



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 00351-08
21 August 2008

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 August 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy in January 1980 and served without disciplinary incident until 3 June 1980, when you received a nonjudicial punishment (NJP) for the illegal use of drugs.

Shortly thereafter, you were charged and found guilty at the following NJP's: On 10 February 1981, unauthorized absence (UA), and insubordination toward a noncommissioned officer, and on 10 September 1981, illegal drug use.

On 2 November 1981, you were evaluated by the naval medical clinic and deemed not drug dependent. At this time, you were also recommended for administrative discharge by reason of a pattern of misconduct due to drug abuse, with an other than honorable (OTH) discharge and an RE-4 reenlistment code. Additionally, on 6 November 1981, you were sent to a special court-martial (SPCM) for charges of UA, possession of an illegal

drug and drug paraphernalia. On 7 November 1981, you consulted with counsel and elected to waive your administrative separation board.

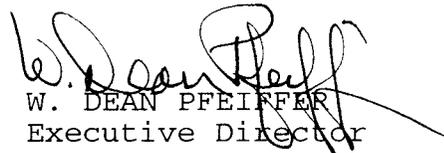
On 17 November 1981, the separation authority approved these recommendations and directed an OTH discharge, and on 9 December 1981, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director