



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

SMS  
Docket No: 440-08  
28 August 2008

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 27 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 5 May 1983, you reenlisted in the Navy at age 26 after two prior periods of honorable service. On 24 August 1983, your urinalysis tested positive for cocaine. On 22 December 1983, you were convicted by a special court-martial of use of cocaine. On 23 December 1983, you began an unauthorized absence (UA) that ended on 27 December 1983, a period of about four days. On 3 January 1984, you had nonjudicial punishment for absence from your appointed place of duty. You were also counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in an other than honorable (OTH) discharge. You subsequently began drug rehabilitation. On 22 February 1984, you acknowledged completing drug rehabilitation and certified that you understood that residential drug rehabilitation was a one time opportunity and that return to drug abuse would be grounds for a punitive or OTH discharge. Based on the information

currently contained in the record, it appears that your urinalysis subsequently tested positive for marijuana.

On 9 April 1984, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse. In connection with this processing, you acknowledged that separation could result in an OTH discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 27 April 1984, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 3 May 1984, you were so discharged.

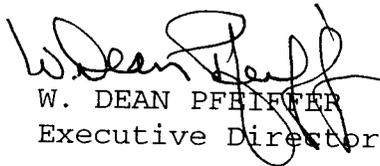
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your prior periods of honorable service. The Board also considered your contention that personal problems contributed to your misconduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you received drug rehabilitation and were warned that further infractions could result in an OTH discharge. Regarding your contention, personal problems do not excuse misconduct. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that as a result of your prior periods of honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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