



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

TRG
Docket No: 1048-08
29 September 2008

[REDACTED]

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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 23 September 1998. 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.

You reenlisted in the Navy on 24 May 1982 at age 23. On 9 August 1984 you received nonjudicial punishment for wrongful use of marijuana. Based on your drug abuse, you were processed for an administrative discharge. Subsequently, an administrative discharge board found that you had committed misconduct due to drug abuse and recommended a suspended discharge under other than honorable conditions. After review, the separation authority approved the recommendation for an unsuspended discharge. You received the discharge under other than honorable conditions on 5 December 1984.

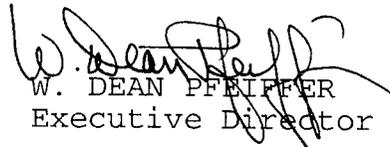
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and period of good service in your second enlistment. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your drug use. It is clear to the Board that you were on notice that drug use would lead to processing for a discharge under other than honorable conditions but you used drugs anyway. 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 believes that you are eligible for veterans' benefits based on your prior honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs

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