



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

TJR  
Docket No: 2403-08  
23 January 2009

[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 22 January 2009. The names and votes of the members of the panel will be furnished upon request. 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 on 17 February 1981 at age 18 and began a period of active duty on 18 March 1981. During the period from November 1981 to March 1982 you received medical assistance for complaints of pain in your back, neck, shoulder, and hip.

You served without disciplinary incident until 29 July 1983, when you received nonjudicial punishment (NJP) for two specifications of failure to obey a lawful order, disrespect, and failure to go to your appointed place of duty. Less than a month later, on 11 August 1983, you received NJP for five specifications of wrongful use of marijuana. The punishment imposed was a \$642.90 forfeiture of pay, reduction to paygrade E-2, and extra duty for 45 days. On 15 September 1983 you were found to be not drug dependent, but were placed on antabuse for your alcohol abuse. At that time you were not recommended for further service, but you were also directed to attend Alcohol Anonymous meetings. Shortly thereafter, on 28 September 1983, you admitted to continued occasional use of marijuana and weekly consumption of alcohol.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you waived your right to present your case to an administrative discharge board (ADB) on two separate occasions. On 17 October 1983 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 25 October 1983 the discharge authority approved this recommendation and on 28 October 1983 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 and assertion that your discharge was inequitable because it should have been based your on medical condition, specifically, injuries to your back, neck, shoulder, and hip. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which included wrongful use of marijuana on numerous occasions. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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