



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

SJN  
Docket No: 03165-08  
12 February 2009

[REDACTED]

[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 10 February 2009. 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 and began a period of active duty on 27 August 1980 at age 25. On 10 March and 28 April 1983, you received nonjudicial punishment (NJP) for wrongful use of marijuana.

On 29 April 1983, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. On 3 June 1983, an administrative discharge board (ADB) found that you did commit misconduct due to drug abuse and recommended that you be separated with a general discharge. However, on 14 June 1983, your commanding officer (CO) concurred with the ADB findings but recommended that you be discharged under other than honorable conditions by reason of misconduct due to drug abuse.

On 15 August 1983, the discharge authority directed that you be reprocessed due to your continued drug use as evidenced by a 2 June 1983 positive urinalysis test for marijuana. Subsequently, on 2 December 1983 an ADB unanimously found that

you had committed misconduct due to drug abuse and recommended discharge under other than honorable conditions. Your CO concurred with the ADB and forwarded your case to the discharge authority for review.

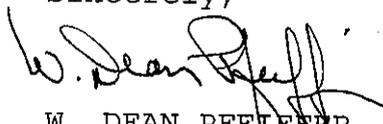
On 30 March 1984, the discharge authority did not approve your CO's recommendation because your counsel stated that there were discrepancies in your case. At that time, it was directed that a new ADB be convened with all new members.

On 3 April 1984, administrative discharge action was initiated by reason of misconduct due to drug abuse. You waived your rights to consult counsel, submit a statement or have your case heard by an ADB. On 4 April 1984, your CO forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. On 12 April 1984, the separation authority directed an other than honorable discharge by reason of misconduct and, on 20 April 1984 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct that resulted in two NJP's for drug use and the fact that you tested positive a third time for drug use. Further, the Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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