



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

TJR  
Docket No: 3575-08  
5 March 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 3 March 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 11 September 1979 at age 18 and served for two years without disciplinary incident. However, on 3 December 1981, you were convicted by special court-martial (SPCM) of three specifications of wrongful possession, transfer, and sale of lysergic acid diethylamide (LSD) and wrongful possession of cocaine. You were sentenced to confinement at hard labor for two months, reduction to paygrade E-1, a \$734 forfeiture of pay, and a bad conduct discharge (BCD).

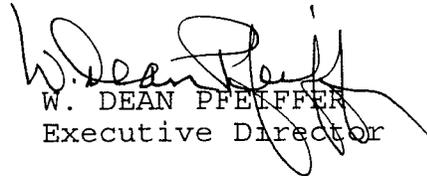
Your record contains a psychiatric evaluation report which documents, in part, your history of alcohol, marijuana, cocaine, and LSD abuse. It also states that you were diagnosed with alcohol and mixed substance abuse, both of which existed prior to your enlistment.

Subsequently, the BCD was approved at all levels of review, and on 10 May 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, period of satisfactory service, and post service conduct. It also considered your desire to upgrade your discharge so that you may be eligible for veterans' benefits. The Board further considered your assertion that the offense for which you were convicted was only a "one-time" incident. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct. Finally, your record reflects documented evidence that is contrary to your assertion of a one-time drug related incident. 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