



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

TRG
Docket No: 3829-08
5 September 2008

[REDACTED]

Dear [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 3 September 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.

You enlisted in the Navy on 3 November 1981 at age 17. During the period from 12 August 1982 to 14 April 1983 you received nonjudicial punishment (NJP) on three occasions. Your offenses were intoxication, an unauthorized absence of about one day and several instances of possession of marijuana.

Based on the foregoing record of misconduct, you were processed for an administrative discharge. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. On 14 September 1983 you received your fourth NJP for use and possession of marijuana. Subsequently, you were an unauthorized absentee for about seven days for which there is no disciplinary action in the record. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 14 October 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that you only used marijuana because you suffered from an undiagnosed bipolar disorder. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your repeated

misconduct. There is no documentation in the record to show that you had a bipolar disorder or if you did that it should excuse or mitigate your misconduct. 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.

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