



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

SMS  
Docket No: 4122-08  
16 January 2009

[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 14 January 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 13 September 1982, you enlisted in the Navy at age 18. During the period 2 June 1983 to 21 August 1984, you were in an unauthorized absence (UA) status on six occasions totaling about 11 days. On 24 August 1984, you had nonjudicial punishment (NJP) for assault consummated by battery and a three day period of UA. Based on the information currently contained in the record, it appears that no disciplinary action was taken for the other periods of UA. On 16 September 1984, you were in a UA status for more than an hour. On 30 November 1984, you had NJP for two instances of disobedience of a lawful order and suspended punishment was vacated from your prior NJP. On 4 December 1984, your urinalysis tested positive for cocaine. You subsequently received a medical evaluation during which you denied use of cocaine. The evaluation stated that you were not dependent and recommended administrative separation.

On 7 January 1985, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse, but was subsequently advised to reprocess your administrative separation. During the period 11 to 14 January 1985, you were in a UA status, but no disciplinary action was taken. On 26 March 1985, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse and commission of a serious offense. In connection

with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and elected to have your case heard by an administrative discharge board (ADB). On 14 May 1985, an ADB convened and found misconduct by reason of misconduct due to drug abuse and commission of a serious offense, and recommended a general characterization of service. On 8 June 1985, the separation authority approved the discharge recommendation and directed a general discharge by reason of misconduct due to commission of a serious offense. On 14 June 1985, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Therefore, 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