



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

RDZ:ecb
Docket No. 04908-08
26 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 24 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy for a term of four years on 28 July 1981. Unfortunately you served only a little over two years and were discharged due to your disciplinary record and drug abuse. Specifically between October 1981 and July 1982 you received four nonjudicial punishments for three periods of unauthorized absence and 15 instances of absence from your appointed place of duty. On 13 December 1982 you were convicted by special court-martial of attempted possession and sale of illegal drugs on two occasions. When you were informed that you were being recommended for administrative separation with an other than

honorable discharge (OTH) due to your involvement with drugs you waived your right to a hearing where with the assistance of a military lawyer you could have argued for retention or a better discharge than an OTH. Consequently you received an OTH on 17 August 1983.

In view of the seriousness of the offenses of which you were convicted by court-martial as well as your prior disciplinary record the Board concluded that a change of discharge was not warranted. The Board particularly noted that your drug offenses occurred after you had been fully briefed on the Navy's zero tolerance drug policy. Clearly your discharge was proper as issued and should not be changed now as a matter of clemency.

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