



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

SMS
Docket No: 4916-08
20 February 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 19 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.

On 11 March 1982, you enlisted in the Navy at age 21 after a prior period of honorable service in the Army. The record shows that your accession urinalysis tested positive for marijuana, but it appears that no disciplinary action was taken. On 30 March 1983, you had nonjudicial punishment (NJP) for possession of marijuana, introduction of marijuana on board a naval vessel with the intent to use, and possession of drug paraphernalia.

On 5 April 1983, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse. 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 11 April 1983, a substance abuse message reported that your urinalysis conducted on 29 March 1983, tested positive for marijuana. On 15 April 1983, an ADB convened and found that you were guilty of misconduct due to drug abuse and recommended an OTH discharge. On 5 May 1983, you had NJP for a brief instance of unauthorized absence. On 11 July 1983, a drug dependency status message reported that you were not dependent on drugs or alcohol. On 27 July 1983, the

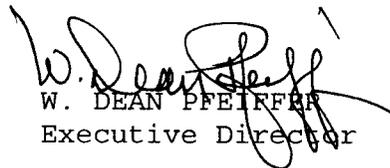
separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 28 July 1983, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. 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.

The Board noted that as a result of your prior honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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