



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

TJR
Docket No: 6449-08
21 May 2009



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 12 May 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 9 September 1980 at age 17 and served for seven months without disciplinary incident. However, during the period from 13 April to 24 August 1981, you received nonjudicial punishment (NJP) on three occasions. Your offenses were disobedience, failure to go to your appointed place of duty, and wrongful use of lysergic acid diethylamide (LSD). The record reflects that you did not appeal any of these NJPs. Also during this period you were evaluated for drug and alcohol dependency after admitting to taking LSD on two occasions and smoking hashish. You were found not to be physiologically or psychologically dependent, but were referred for another evaluation at a Navy counselling and assistance center.

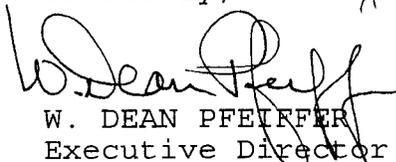
Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 11 September 1981 you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On

16 September 1981 your commanding officer recommended separation under honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities in accordance with the guidelines of Project Upgrade. On 7 October 1981 the discharge authority approved this recommendation and directed discharge under honorable conditions by reason of misconduct, and on 26 October 1981 you were issued a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade the characterization of your general discharge. It also considered your assertion that you have never used nonprescription drugs nor would you have admitted to using such drugs. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of your substandard behavior and repetitive misconduct which resulted in three NJPs, and included drug abuse. Finally, there is documented evidence in the record that is contrary to your assertion of not using nonprescription drugs. 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