



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

SJN  
Docket No: 06934-08  
21 May 2009

[REDACTED]

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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 13 May 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 4 April 1980 at age 21. You served without incident over two years until 9 April 1982, when you received nonjudicial punishment (NJP) for forgery of an armed forces identification card application. Based on the information currently contained in your record, a medical entry stated, in part, that you had made fair to good progress while in a drug treatment program and that you were not found to be drug dependent. However, you had performed unsatisfactorily in the program and were not recommended for retention due to indications of drug use while in treatment. On 14 December 1982, you received a second NJP for wrongful use of marijuana and forgery of an identification card.

On 11 January 1983, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

On 15 April 1993, an ADB unanimously found that you had committed misconduct due to drug abuse and recommended discharge under other than honorable conditions. On 31 March 1983, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 14 April 1983 the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse. On 15 April 1983 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct that resulted in two NJP's, one of which was for drug use, and the fact that the record shows that your command was actively trying to help you by placing you in a drug treatment program, in which you performed unsatisfactorily. 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 PREIFFER  
Executive Director