



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

BJG
Docket No: 7931-08
7 May 2009



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 7 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 medical and naval records, applicable statutes, regulations and policies.

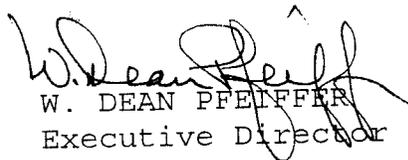
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 2 July 1982. On 21 July 1982, you were granted a pre-service drug abuse waiver. You received nonjudicial punishment (NJP) on two occasions, where you were found guilty of the wrongful use of marijuana. On 30 April 1984, you were disqualified for submarine duty due to unreliability. On 21 May 1984, you were counseled regarding support of your dependents. On 9 August 1984, you were advised of pending administrative separation processing for a discharge under other than honorable (OTH) conditions for misconduct -

drug abuse (use). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 20 August 1984, your commanding officer (CO) recommended you for an OTH discharge for misconduct - drug abuse (use). On 25 August 1984, the discharge authority approved the CO's recommendation, and on 7 September 1984, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully considered all potential mitigation, such as your short period of good service. However, the Board concluded that this factor was not sufficient to warrant recharacterizing your OTH discharge because of your two NJP's for drug abuse. The Board also noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, 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