



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

SJN
Docket No: 08105-08
25 June 2009

[REDACTED]

Dear [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 16 June 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 26 March 1979 at age 20. You served without incident for over five years until 19 January 1984, when you received nonjudicial punishment (NJP) for wrongful use of marijuana. You received a forfeiture of pay, a reduction in paygrade, and suspended restriction. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. Unfortunately, you continued to use marijuana and tested positive for it on a command directed urinalysis taken on 14 March 1984.

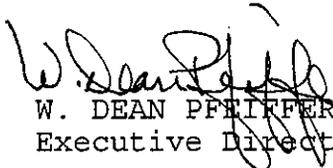
On 2 April 1984, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 14 May 1984 an ADB unanimously found that you had committed misconduct due to drug abuse, and recommended a general discharge. Your

commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 3 June 1984, the discharge authority directed a discharge by reason of misconduct due to drug abuse. On 6 June 1984 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and post service psychological evaluation dated 30 July 2007. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your NJP and urinalysis for drug use. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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