



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

TJR  
Docket No: 8888-08  
20 July 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 14 July 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 4 October 1978 at age 18 and immediately began a period of active duty. You served without disciplinary incident until 4 January 1979, when you received nonjudicial punishment (NJP) for two specifications of failure to obey a lawful order. On 13 April and again on 12 December 1979 you received NJP for assault and four specifications of failure to obey a lawful order, specifically, receiving stolen goods and wrongful possession and introduction of drugs and drug paraphernalia.

During the period from 9 April to 5 November 1980 you received NJP on three more occasions for wrongful possession of a false or unauthorized pass, drunkenness, a two day period of unauthorized absence (UA), wrongful possession and introduction of marijuana, and wrongful possession and introduction of drug paraphernalia.

On 3 March 1982 you were convicted by summary court-martial (SCM) of wrongful use of marijuana and sentenced to confinement at hard labor for 10 days, restriction for 25 days, and a \$300 forfeiture of pay.

On 18 October 1982, while serving in paygrade E-1, you were released from active duty under honorable conditions and transferred to the Navy Reserve. In this regard, character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.0, and an average of 3.0 in conduct was required at the time of your release from active duty for a fully honorable characterization of service. On 14 October 1984, upon completion of your required active service, 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 and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive drug related misconduct which resulted in six NJPs and a court-martial conviction, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. 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