



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

TJR  
Docket No: 1780-09  
11 January 2010

[REDACTED]

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 6 January 2010. 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 24 August 1981 at age 18 and began a period of active duty on 11 September 1981. You served without disciplinary incident until 15 July 1983, when you received nonjudicial punishment (NJP) for failure to obey a lawful order.

On 11 February 1984 you received NJP for wrongful use of marijuana and were awarded restriction and extra duty for 45 days, a reduction in rate, and a \$668 forfeiture of pay. On 23 May 1984 you received your third NJP for a one day period of unauthorized absence (UA) and were awarded restriction for 15 days and a reduction in rate.

On 31 July 1985 you were convicted by special court-martial (SPCM) of two specifications of wrongful use of marijuana and six periods of UA totalling 150 days. You were sentenced to confinement at hard labor for 60 days, a \$2,478 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 25 September 1986, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and explanation regarding your periods of UA. It also considered your assertion of being offered options regarding your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive misconduct, which resulted in three NJPs and a SPCM, and included drug abuse and several periods of UA. Finally, there is documented evidence in the record which is contrary to your assertion. 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