



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

SJN  
Docket No: 02414-09  
7 January 2010



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 5 January 2010. 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.

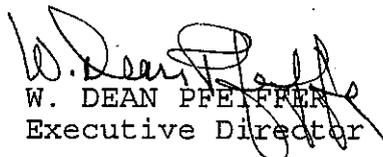
You enlisted in the Navy and began a period of active duty on 21 August 1980 at age 17. During the period from 9 January 1981 to 5 August 1983, you received seven nonjudicial punishments (NJP's) for possession of hashish, two instances of damaging government property, two instances of dereliction of duty, four instances of possession of marijuana, use of provoking words, breach of the peace, sleeping on post, three instances of wrongful use of marijuana, possession of drug paraphernalia, conspiring to distribute marijuana, distribution of marijuana, three periods of unauthorized absence (UA), possessing a weapon, assault, breaking restriction, and disobedience. Additionally, after your fourth NJP, you were counseled and warned, that further misconduct could result in administrative discharge action. On 26 August 1983, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB).

On 29 September 1983, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 8 October 1983, the discharge authority directed an other than honorable discharge by reason of misconduct. On 17 October 1983 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of seven NJP's, the fact that you were counseled and warned of the consequences of further misconduct and still committed further offenses. Finally, the Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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