



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

CRS
Docket No: 3022-09
8 October 2009

[REDACTED]

[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 30 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 21 December 1984. You received two nonjudicial punishments and were convicted by a summary court-martial for offenses that included absence from appointed place of duty, drunk and disorderly conduct, making offensive remarks to a female petty officer, failure to go to appointed place of duty, failure to obey a lawful order, disrespect, violation of a general regulation, use of marijuana, and possession of marijuana.

On 11 February 1986 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. When informed of that recommendation, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 10 March 1986 you were separated by reason of misconduct with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall

service as well as your contention that your discharge was changed. The Board concluded those factors are insufficient to warrant recharacterization of your service, given the severity of your misconduct. In addition, there is no evidence, and you have presented none, that supports your contention that your discharge was downgraded from honorable to a discharge under other than honorable conditions. 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