



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

TAL
Docket No: 12215-09
20 August 2010

[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 11 August 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.

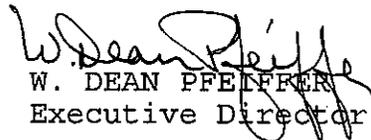
You enlisted in the Navy and began a period of active duty on 16 February 1982 at age 22. You received nonjudicial punishment (NJP) on two occasions for unauthorized absence from your unit, three instances of insubordinate conduct toward a petty officer, three instances of failure to obey a lawful order, dereliction in the performance of your duties, and theft of a government housing allowance. After your second NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 15 February 1985, you received NJP for wrongful use of marijuana. On 4 April 1985, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 17 April 1985, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. On 13 May 1985 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization

of your discharge given the seriousness of your misconduct that resulted in three NJPs and included drug abuse. Finally, the Board found 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