



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

TJR  
Docket No: 12825-09  
17 September 2010

[REDACTED]

[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 14 September 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 reenlisted in the Navy on 4 March 1981 after seven years of prior honorable service. You continued to serve without disciplinary incident until 11 July 1984, when you were convicted by summary court-martial (SCM) of wrongful use of marijuana. You were sentenced to restriction for 30 days, a \$400 forfeiture of pay, and reduction to paygrade E-4.

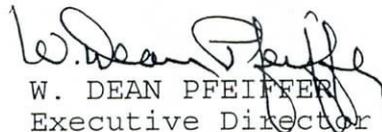
On 27 December 1984 you were notified of pending administrative separation action by reason of misconduct due to drug abuse as evidenced by SCM and two positive urinalyses. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 1 February 1985 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 3 March 1985 your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 16 April 1985 the discharge

authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 22 May 1985, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of honorable service, post service conduct, and desire to upgrade your discharge and presumably change your narrative reason for separation. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of the narrative reason for separation because of the seriousness of your drug related misconduct which not only resulted in SCM, but continued while you were in a urinalysis program. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. 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