



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

SJN  
Docket No: 12885-09  
23 September 2010

[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 21 September 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 reenlisted in the Navy on 17 May 1982 after serving over three years of honorable service. The Board found that you received two nonjudicial punishments (NJP's) for wrongful use of cocaine, six days of unauthorized absence, and breaking restriction. Subsequently, you were notified of pending administrative separation action by reason of unsuitability. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 28 July 1983, the ADB unanimously recommended that you be separated with an other than honorable discharge by reason of misconduct due to drug abuse. Your commanding officer concurred with the ADB's findings and recommendation that you be discharged. On 22 September 1983, the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse. On 29 September 1983 you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and desire to change your RE-4 reenlistment code. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service or RE-4 reenlistment code given your drug use. In this regard, you were assigned the appropriate reenlistment code based on your circumstances. 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