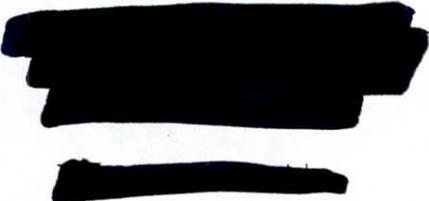




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TAL
Docket No: 042-10
12 October 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 6 October 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 31 March 1981 at age 19. On 14 December 1982, you received nonjudicial punishment (NJP) for the wrongful use of marijuana. On 28 October 1983, you were convicted in civil court of Kings Bay, Georgia of driving under the influence of alcohol. You were evaluated by the Counseling and Assistance Center (CAAC) and placed in a Level I rehabilitation program, and given weekly drug and alcohol testing. You received positive results on your urinalyses on 17 and 24 January 1984 for marijuana. You were notified of pending administrative discharge action with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 21 March 1984, you received the OTH discharge for misconduct (drug abuse), and 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 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 your repeated drug abuse. Finally, the Board noted that you waived your 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