



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

TJR
Docket No: 1582-10
12 November 2010

[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 9 November 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 enlisted in the Navy on 24 August 1983 at age 19. You served without disciplinary incident until 8 June 1984, when you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA). Shortly thereafter, you were recommended, by a medical board, for an administrative separation due to being diagnosed with a severe mixed personality disorder and cocaine abuse, both of which existed prior to your enlistment.

On 29 January 1985 you were convicted by special court-martial (SPCM) of a 50 day period of UA. You were sentenced to restriction for 60 days and reduction to paygrade E-2. Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse and commission of a serious offense. After waiving your procedural rights, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 26 March 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 youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in an NJP and a SPCM; and included drug abuse and your failure to disclose this abuse prior to your enlistment in the Navy. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. 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