



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

TJR
Docket No: 3028-10
2 February 2011

[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 1 February 2011. 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.

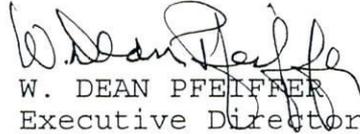
You enlisted in the Navy on 26 June 1980 at age 20 and began a period of active duty on 1 October 1980. You served for nearly seven months without disciplinary incident, but on 25 June and 30 July 1981, you received nonjudicial punishment (NJP) for three specifications of wrongful possession of marijuana and two specifications of wrongful possession of drug paraphernalia.

On 30 August 1982 you received your third NJP for wrongful use of marijuana and were awarded a \$600 forfeiture of pay and correctional custody for 30 days. Shortly thereafter, on 2 September 1982, you were processed for an administrative separation by reason of misconduct due to drug abuse. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. Subsequently, on 10 March 1983, the discharge authority approved this recommendation and directed your commanding officer to issue you a discharge under other than honorable conditions by reason of misconduct, and on 13 May 1983, 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. It also considered your assertion that you made a mistake that you should have been afforded help, but were instead treated harshly. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive drug-related misconduct which resulted in three NJPs. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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