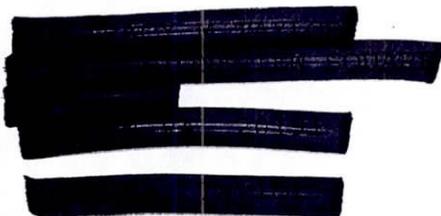




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 3627-10  
9 February 2011



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 8 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 30 April 1985 at age 22 and began a period of active duty on 5 November 1985. You served without disciplinary incident until 11 December 1986, when you received nonjudicial punishment (NJP) for an unspecified period of unauthorized absence (UA). The punishment imposed was reduction to paygrade E-2, restriction and extra duty for 30 days, and a \$100 forfeiture of pay. About three months later, on 6 March 1987, you again received NJP for an unspecified period of UA. The following month, on 17 April 1987, you were convicted by summary court-martial (SCM) of wrongful use of marijuana. You were sentenced to confinement at hard labor for 25 days, a \$300 forfeiture of pay, and reduction paygrade E-1.

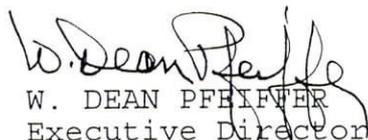
On 26 August 1988 you received your third NJP for assault and were awarded restriction and extra duty for 45 days, reduction to paygrade E-1, and a \$679.40 forfeiture of pay. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse and commission of a

serious offense. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 29 August 1988 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse and commission of a serious offense. On 4 September 1988 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 22 September 1988, 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 your discharge was unjust and unfair because it was based on an altercation that was racially motivated. 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 three NJPs and a SCM, and included drug abuse. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Finally, there is no evidence in the record, and you submitted none, to support your assertion of racism. 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