



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

REC
Docket No: 03805-10
20 January 2011

[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 20 January 2011. 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 March 1979, at age 19. On 27 February 1980, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty, failure to obey a lawful order, sleeping on post, and leaving post without being properly relieved. On 15 May 1980, you received NJP for being in an unauthorized absence (UA) status, and failure to go to your appointed place of duty. On 5 September 1980, you received NJP for being UA two days, dereliction of duty, willful damage to government property, larceny, and unlawfully striking a fellow Sailor. On 12 February 1981, you received NJP for leaving your appointed place of duty, willful disobedience to a superior petty officer, contempt toward a petty officer, dereliction of duty, and disorderly conduct. On 17 June 1981, were convicted by a special court-martial (SPCM) of two incidents of possession and sale of marijuana. You were sentenced to forfeitures of \$975, and confinement at hard labor for three months. On 15 July 1981, administrative separation action was initiated by reason of misconduct for drug abuse (use). You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer

forwarded his recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct due to drug abuse (use). However, your misconduct continued, and on 6 October 1981, you received your fifth NJP for violation of a general regulation, failure to obey a lawful order, breaking restriction, and two incidents of being UA during a muster. On 9 November 1981, the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse (use). On 23 October 1981, you received the (OTH) conditions discharge due to misconduct (drug abuse). 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. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of five NJP's, one conviction by SPCM of misconduct, and drug abuse (use). The Board noted that you waived your right to an ADB, your best opportunity for retention or a more favorable 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