



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

BAN
Docket No: 04222-10
13 January 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 13 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.

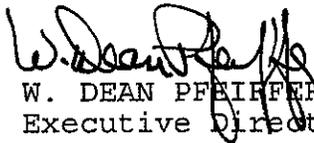
You enlisted in the Navy on 17 April 1978, and served without disciplinary incident until 13 November 1978, when you received nonjudicial punishment (NJP) for two specifications of failing to obey a lawful order. Shortly thereafter, you received the following disciplinary actions: on 14 July 1980, you received NJP for possession of drug paraphernalia; on 28 November 1980, you were convicted at a special court-martial (SPCM) for UA in excess of 50 days, possession of an illegal substance (hashish), and breaking restriction; on 6 March 1981, you received NJP for possession of an illegal substance (marijuana), disrespect, defecating on a shipmate's pillow, and communicating a threat. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to serious misconduct. You exercised your right to request an administrative discharge board (ADB). The ADB found that you had committed misconduct and

recommended separation with an OTH discharge. The separation authority approved the recommendation and on 20 March 1981, you were separated with an OTH discharge and an RE-4 (not recommended for retention) reenlistment code due to serious misconduct.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant a recharacterization of your discharge due to your repeated acts of misconduct some of which were serious in nature. 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