



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

TJR
Docket No: 4783-09
26 April 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 20 April 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 30 October 1980 at age 18 and served for about three months without disciplinary incident. However, on 13 January 1981 and again on 1 December 1981, you received nonjudicial punishment (NJP) for wrongful possession of marijuana and fraternization.

During the period from June to September 1982 you submitted a statement in which you admitted to being a casual user and abuser of marijuana. A drug and alcohol report noted that your urine sample had tested positive for cocaine on 10 August 1982. You also received your third NJP on 27 August 1982 for a 29 day period of unauthorized absence.

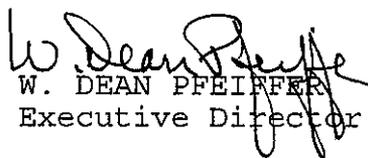
Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. Although your commanding officer recommended discharge under other than

honorable conditions, the discharge authority directed your commanding officer to issue you a general discharge under honorable conditions by reason of misconduct due to drug abuse, and on 14 October 1982, 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 self-admitted drug related misconduct. Finally, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. 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