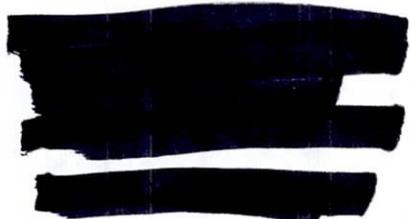




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TAL
Docket No: 5255-10
31 January 2011



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 26 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.

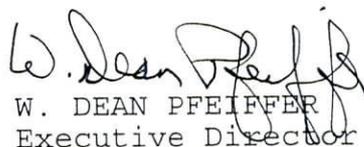
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 31 October 1979 at age 19. You received nonjudicial punishment (NJP) on three occasions for three instances of wrongful possession of marijuana, disobeying a written regulation, and wrongful use of a marijuana. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 29 March 1983, you were notified that administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 15 April 1983, an ADB unanimously found that you had committed misconduct and recommended that you be discharged under other than honorable (OTH) conditions due to drug abuse. On 16 June 1983, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. On 30 June 1983 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or narrative reason for separation given the seriousness of your misconduct that result in three NJPs. Finally, concerning your assertion of alcoholism, alcohol abuse is not a mitigating factor for misconduct, and disciplinary action and administrative separation are appropriate for alcohol related offenses. The Board noted that on 24 June 1983 you signed an administrative counseling statement to waive your right to in-patient alcohol abuse treatment at a Department of Veterans Affairs hospital. 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