



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

TAL
Docket No: 5256-09
9 April 2010

[REDACTED]

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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 31 March 2010. 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.

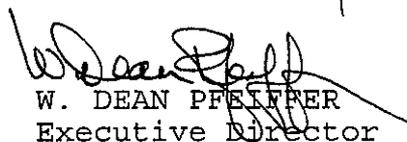
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 20 October 1980 at age 19. On 30 April 1981, you received nonjudicial punishment (NJP) for wrongful possession of marijuana. On 14 September 1981, you received NJP for a three day period of unauthorized absence (UA) from your unit. On 3 September 1982, you were convicted by summary court-martial (SCM) of a 39 day period of UA from your unit. On 6 October 1982, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 26 October 1982, an ADB unanimously found that you had committed misconduct and recommended that you be discharged under other than honorable (OTH) conditions. Subsequently, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 27 February 1983, the separation authority directed a general discharge by reason of misconduct due to drug abuse. On 27 May 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 found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. The Board also believed that you were fortunate to receive a general discharge since a characterization under other than honorable conditions is often directed when a Sailor is separated for misconduct. 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