



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

BAN
Docket No: 07273-10
2 May 2011

[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 13 April 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 entered active duty in the Navy on 16 September 1977, and served without disciplinary incident until 11 April 1978, when you received nonjudicial punishment (NJP) for the illegal possession of a controlled substance (marijuana). You were given a page 13 warning and retained in service. However, on 20 June 1978, you received another NJP for an unauthorized absence (UA) totaling five days. You were then notified that you were being recommended for separation with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived all of your procedural rights, to include your right to an administrative discharge board (ADB). The separation authority approved the recommendation. Therefore, on 25 August 1978, you were separated with an OTH discharge and an RE-4 reenlistment code due to misconduct (drug abuse).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and claim that you were told that your discharge would be upgraded in six months. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to your drug abuse and other misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better 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