



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 08887-10  
8 June 2011

[REDACTED]

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 7 June 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.

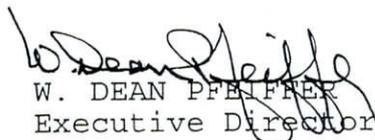
You enlisted in the Navy and began a period of active duty on 16 February 1983. The Board found that on 14 June 1983, you were informed of the Navy's policy regarding drug and alcohol abuse. On 1 November 1983 and 25 May 1984, you received nonjudicial punishment (NJP) for seven days of unauthorized absence (UA) and disorderly conduct. On 29 May 1984, you were counseled and warned that further misconduct could result in administrative discharge action. On 23 March 1985, you received NJP for wrongful use of marijuana. You received restriction, extra duty, a forfeiture of pay, and a reduction in paygrade. On 1 and 15 May 1985, you tested positive for drug use after command directed urinalyses and were enrolled in a drug rehabilitation program on 21 May 1985. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct. Your commanding officer stated, in part, that you were given a chance to overcome

your drug problem after your first incident but chose to continue using drugs. The discharge authority concurred and directed an OTH discharge by reason of misconduct due to pattern of misconduct. On 21 August 1985, you received a fourth NJP for seven days of UA. You received a reduction in paygrade. A final drug report stated, that you were found not to be dependent on drugs or alcohol, but due to your continued usage while participating in a drug rehabilitation program demonstrated your lack of potential for further service. You received the OTH characterization of service on 23 August 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and character letter. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the fact that you were informed of the Navy's policy regarding drug and alcohol abuse, your four NJP's, one of which was for drug use, the fact that you were counseled and warned of the consequences of further misconduct, and your failure to adhere to your command's drug rehabilitation program. Finally, the Board noted that you waived your procedural 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