



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

TJR
Docket No: 11286-10
4 August 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 2 August 2011. 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 20 March 1980 at age 19 and immediately began a period of active duty. You served for about seven months without disciplinary incident, however, on 23 October and again on 4 December 1980, you received nonjudicial punishment (NJP) for wrongful possession and use of marijuana, wrongful entry into an unauthorized space, and disrespect.

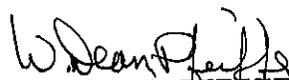
During the period from 5 January to 3 November 1981 you received NJP on five more occasions. Your offenses were failure to obey a lawful order, wrongful possession and use of marijuana, disobedience, disrespect, seven periods of absence from your appointed place of duty, and two specifications of assault. On 7 November 1981 you were referred for a medical evaluation due to your history of marijuana use. You were directed to participate in a rehabilitation program, but refused to participate stating, in part, that you did not have a problem with drugs or alcohol.

Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and drug abuse. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), your commanding officer recommended separation under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and drug abuse as evidenced by multiple NJPs, refusal to participate in treatment and counselling, and continuing decline in duty performance. On 8 January 1982 you received your eighth NJP for a one day period of unauthorized absence (UA) and disobeying a lawful order. The punishment imposed was bread and water for three days. Shortly thereafter, the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and drug abuse, and on 22 January 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, post service conduct, 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 misconduct and repetitive drug related offenses. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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 BEECHER
Executive Director