



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

REC
Docket No: 00217-11
17 October 2011

[REDACTED]

[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 13 October 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 reenlisted in the Navy on 20 June 1983. On 22 June 1983, you signed and acknowledged documentation concerning the Navy's policy on drug and alcohol abuse. On 3 October 1983, you received nonjudicial punishment (NJP) for theft. On 13 July 1984, you received NJP for wrongful use of marijuana. Apparently, you were placed in an alcohol and drug rehabilitation program. However, on 5 September 1984, you provided a urinalysis sample which tested positive for marijuana while in the aftercare program. On 1 October 1984, administrative separation action was initiated by reason of misconduct for drug abuse (use). You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 4 October 1984, your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct (drug use). However, on 23 October 1984, you received NJP for wrongful use of marijuana. On 25 October 1984, the discharge authority directed an OTH discharge by reason of misconduct for drug abuse (use).

On 6 November 1984, you received the OTH discharge due to misconduct drug abuse (use). At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of two NJP's for misconduct, and drug abuse (use). The Board noted that you waived your right to an ADB, your best opportunity for retention or a more favorable 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