



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

SJN
Docket No: 00272-11
18 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 12 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.

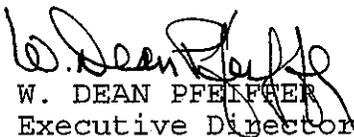
You enlisted in the Navy and began a period of active duty on 5 May 1981. The Board found that on 29 January 1982, you were counseled regarding two instances of wrongfully possessing marijuana. You were warned that further misconduct could result in administrative discharge action. On 10 February 1982, you were involuntarily processed for separation due to unsatisfactory performance. After being informed of your procedural rights, your commanding officer stated, in part, that you were counseled at all levels of the chain of command that did not produce positive results. It was anticipated that you would continue to be a discipline problem, administrative burden, and be non-productive which would have resulted in an administrative discharge action or punitive discharge. You received a general discharge on 23 February 1982.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and belief that your characterization of service would automatically change after six months. Nevertheless, the Board concluded these factors were not sufficient to warrant

recharacterization of your discharge given the fact that you were counseled and warned of the consequences of further unsatisfactory performance. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization automatically after six months or due solely to the passage of time. 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