



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

SJN  
Docket No: 00945-11  
2 November 2011

[REDACTED]

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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 1 November 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.

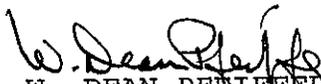
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 9 February 1982. The Board found that on 13 July 1983, you were convicted by summary court-martial (SCM) of 16 days of unauthorized absence (UA) and wrongful use of marijuana. Subsequently, on 10 August 1983, administrative discharge action was initiated by reason of misconduct due to drug abuse. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 18 August 1983, you received nonjudicial punishment (NJP) for four instances of absence from your appointed place of duty, and three instances of breaking restriction. On 19 August 1983, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 25 August 1983, the discharge authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 1 September 1983.

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 be upgraded. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your SCM for drug use and NJP, which you received after you were notified that you were being administratively separated from the service. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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