



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3306-11
17 January 2012

[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 12 January 2012. 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 8 May 1977 at age 19 and began a period of active duty. You served for about nine months without disciplinary incident. However, during the period from 10 February to 5 May 1978, you received nonjudicial punishment (NJP) on four occasions for missing the movement of your ship, wrongful possession of another person's prescription drugs, two periods of unauthorized absence (UA) totalling 12 days, disobedience, and four periods of absence from your appointed place of duty.

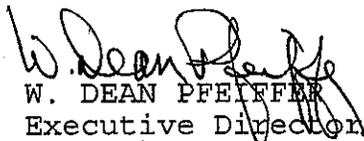
During the foregoing period you were also referred for a medical evaluation to determine your drug dependency. The medical report stated, in part, that you had been apprehended for possession of marijuana, admitted continued use of marijuana prior to and after enlistment and being "high on pot" over 100 times since boot camp. You also stated that you did not crave marijuana, but did not see the need to quit using it. Subsequently, you were diagnosed as a habitual drug user and recommended for an administrative separation.

As a result of the foregoing, you were processed for an administrative separation by reason of misconduct due to 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 you be issued a general discharge by reason of misconduct. The discharge authority approved this recommendation and directed separation under honorable conditions by reason of misconduct due to drug abuse. On 19 June 1978, while serving in paygrade E-1, you were issued a general discharge by reason of misconduct and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade the characterization of your general discharge. It also considered your assertion that your head trauma injury was not considered at the time of your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness of your misconduct, which resulted in four NJPs, and included an extensive use of drugs. Finally, Sailors with a record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. 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 PFEIFFER
Executive Director