



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

TAL
Docket No: 3495-11
24 January 2012

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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 19 January 2012. 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.

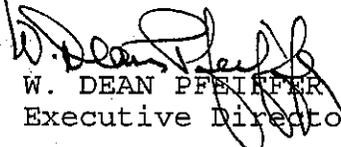
You enlisted in the Navy and began a period of active duty on 20 June 1983 at age 17. On 13 June 1985, you received nonjudicial punishment (NJP) for insubordinate conduct toward a petty officer and communicating a threat. After your first NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 10 April 1986, you received NJP for wrongful use of marijuana. On 17 April 1986, during a drug and alcohol dependency evaluation, you stated in part that you used marijuana approximately once a month. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived your rights to consult counsel, or have your case heard by an administrative discharge board (ADB). You did, however elect to submit a written statement. On 30 April 1986, the separation authority directed an OTH discharge by reason of misconduct (drug abuse). On 8 May 1986 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded

these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. The Board noted you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Finally, no discharge is automatically upgraded due to passage of time or an individual's good behavior after discharge. 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