



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

TAL  
Docket No: 4244-11  
27 January 2012



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 25 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 reenlisted in the Navy on 22 April 1985 after more than three years of prior honorable service. On 11 September 1986, you were convicted in a Japanese court of possession of marijuana and sentenced to confinement at hard labor for one year and two months. The sentence was suspended for three years. On 20 October 1986, you received nonjudicial punishment for unauthorized absence (UA) from your unit for a period of 90 days. You were notified of pending administrative discharge processing due to misconduct (drug abuse). You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 3 November 1986, an ADB recommended that you be separated with a general discharge for misconduct due to drug abuse. Subsequently, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 21 January 1987, the

separation authority approved and directed that you receive a general discharge for misconduct (drug abuse). You were so discharged on 11 February 1987.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in a civil conviction for drug use in Japan, and a lengthy period of UA. The Board also believed that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when a Sailor is separated for misconduct. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service 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 PFELFFER  
Executive Director