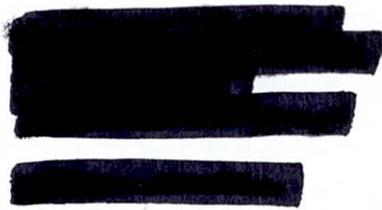




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 4668-11
10 February 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 7 February 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 Naval Reserve on 16 December 1981 at age 22 and began a period of active duty. You served for about five months without disciplinary incident. However, during the period from 25 May to 17 December 1982, you received nonjudicial punishment (NJP) on three occasions for absence from your appointed place of duty, driving under the influence of alcohol, reckless driving, and three periods of failure to go to your appointed place of duty. On 20 January and again on 3 February 1983 you received NJP for four periods of failure to go to your appointed place of duty. Shortly thereafter, on 26 April 1983, you were convicted by summary court-martial (SCM) of failure to obey a lawful order and wrongful use of marijuana. You were sentenced to confinement at hard labor for 30 days and a \$380 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct and drug abuse. After waiving your procedural rights, your commanding

officer recommended discharge under other than honorable conditions. On 28 June 1983 the discharge authority approved this recommendation and directed discharge under other than honorable conditions by reason of misconduct, and on 11 July 1983, you were so discharged.

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 your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in six NJPs and included drug abuse. Finally, you were given an opportunity to defend yourself but waived your procedural right to legal counsel and to present your case to an administrative discharge board. 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