



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

TJR
Docket No: 4684-11
17 February 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 14 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 Navy on 11 June 1984 at age 18 and began a period of active duty. About six months later, on 7 January 1985, you admitted to using lysergic acid diethylamide (LSD) and were subsequently directed to undergo a medical evaluation. On 12 February 1985 you were treated for bulimia and admitted drug and alcohol abuse. You were diagnosed with a personality disorder with mixed type histrionic and narcissistic features, and recommended for an administrative separation because it was determined that you would most likely continue to abuse yourself.

You served for a year and one month without disciplinary incident, however, on 17 and 24 July 1985, you received nonjudicial punishment (NJP) for absence from your appointed place of duty, failure to go to your appointed place of duty, and failure to obey a lawful order. Shortly thereafter, on 7 August 1985, you received NJP for three periods of failure to go to your appointed place of duty, failure to obey a lawful order, and larceny.

Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions. On 16 August 1985 the discharge authority approved this recommendation and directed discharge under other than honorable conditions by reason of misconduct, and on 30 August 1985, 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 three 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