



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

BAN
Docket No: 04971-11
21 February 2012

[REDACTED]

[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 15 February 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 entered active duty in the Navy on 26 January 1977, and served without disciplinary incident until 17 September 1977, when you received nonjudicial punishment (NJP) for an unauthorized absence (UA) and failure to obey a lawful order. Shortly thereafter, on 23 March 1978, you received NJP for the illegal use of a controlled substance and dereliction of duty. In a medical screening, you also admitted to the use of marijuana, hashish, amphetamines, barbiturates, and cocaine. Additionally, you received another NJP on 4 May 1978 for disobeying a lawful order. On 18 October 1978, you were convicted at a summary court-martial of the illegal use of a controlled substance, and failure to go to your appointed place of duty. Finally, on 8 November 1978, you received another NJP for failure to go to your appointed place of duty and breaking restriction. You were recommended for administrative separation

with an other than honorable (OTH) discharge due to your drug abuse. You waived your rights to counsel and an administrative discharge board (ADB). The separation authority approved the recommendation and on 8 November 1978, you were separated with an OTH discharge and 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 post service conduct. However, the Board concluded these factors were insufficient to warrant upgrading your discharge. The Board noted that you waived your procedural right to an ADB, your best opportunity for retention or a better characterization of service. 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