



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

TJR
Docket No: 5456-11
8 March 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 6 March 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 8 December 1981 at age 21 and began a period of active duty on 11 March 1982. You served without disciplinary incident until 22 June 1983, when you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA). The punishment imposed was restriction and extra duty for 14 days and reduction to paygrade E-2, which was suspended for six months. On 15 November 1984 you again received NJP for two periods of failure to go to your appointed place of duty. The punishment imposed was restriction for 14 days, reduction to paygrade E-3, and a \$50 forfeiture of pay.

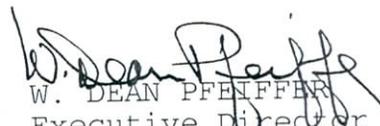
On 4 April 1985 you received your third NJP for wrongful use of marijuana. The punishment imposed was restriction and extra duty for 45 days, reduction to paygrade E-3, and a \$792 forfeiture of pay. Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights your commanding officer recommended

discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 22 May 1985 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 21 June 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, desire to upgrade your discharge, and assertion that you received a "general" discharge because you failed a drug test. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your other than honorable discharge because of the seriousness of your misconduct which resulted in three NJPs and included drug abuse. Further, you were given an opportunity to possibly receive a better characterization of service, but waived your procedural rights. Finally, there is sufficient evidence in the record that is contrary to your assertion of being issued a "general" discharge. 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