



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

TJR  
Docket No: 1514-12  
27 November 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 20 November 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 26 March 1981 and immediately began a period of active duty. About four months later, on 27 July 1981, you received nonjudicial punishment (NJP) for wrongful possession and use of marijuana.

During the period from 6 April to 6 June 1983 your urine sample tested positive for wrongful marijuana use on three occasions. As a result, on 3 August 1983 you again received NJP for wrongful use of marijuana. Although the record does not reflect the complete details of your misconduct in the civilian community, it clearly reflects that in August 1983 you were convicted by civil authorities of driving while intoxicated (DWI).

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 8 March 1984 an ADB recommended separation under honorable conditions by reason of

misconduct due to drug abuse, but further recommended that the separation be suspended for 12 months. The following month, on 16 April 1984, you again failed a urinalysis screening by testing positive for wrongful use of marijuana. Shortly thereafter, on 30 April 1984, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse as evidenced by three positive urinalyses, two NJPs for drug use, and civil conviction for DWI. This recommendation stated, in part, that although you knew the Navy's policy regarding the illegal use of drugs, you chose to disregard it as evidenced by your five instances of drug usage. On 15 May 1984 the discharge authority approved the recommendations for separation by reason of misconduct, but in concurrence with the ADB, directed a general discharge. On 14 June 1984 you received your third NJP for absence from your appointed place of duty. Shortly thereafter, on 12 July 1984, you were issued a general discharge by reason of misconduct due to drug abuse.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade the characterization of your general discharge and change your narrative reason for separation. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive drug and alcohol related misconduct in both the military and civilian communities. Finally, Sailors with a record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. 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,



BRIAN J. GEORGE  
Head, Discharge Review Section