



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

SJN
Docket No: 04339-12
20 March 2013

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 19 March 2013. 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 and began a period of active duty on 30 March 1987. The Board found that on 8 April 1987, you were briefed on the Navy's policy on drug and alcohol abuse. On 18 September 1987 and 12 March 1988, you received nonjudicial punishment (NJP) for two instances of wrongful possession and use of cocaine and unauthorized absence (UA). Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 8 April 1988, you received a third NJP for wrongful possession and use of a controlled substance and breaking restriction. On 8 May 1988, you began a period of UA that lasted 369 days, ending on 12 May 1989. On 7 June 1989, you

were convicted by special court-martial (SPCM) of 369 days of UA and missing movement through design. You were sentenced to confinement, a forfeiture of pay, a reduction in paygrade, and a bad conduct discharge (BCD). You received the BCD on 4 January 1990 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, record of service, belief that you should have been given drug abuse treatment, and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, all of which were for wrongful drug use and period of UA of more than one year. Further, the record shows that on 8 October 1987, after your first NJP, a drug and alcohol abuse report states, in part, that you had good potential for further service and were evaluated as not being dependent on drugs or alcohol. 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