



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 61-01
25 June 2001

[REDACTED]

Dear [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 12 June 2001. 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.

The Board found you enlisted in the Navy on 25 October 1979 at the age of 21. In May 1980 you underwent four hours of alcohol and drug abuse prevention education, during which you acknowledged that drug use was a violation of the Uniform Code of Military Justice, and were advised of various drug rehabilitation programs.

Your record reflects that on 26 June 1980 you received nonjudicial punishment (NJP) for larceny and were awarded a \$500 forfeiture of pay and a suspended reduction in rate. Shortly thereafter, on 27 August 1980, you received NJP for possession of marijuana and were awarded a \$500 forfeiture of pay and restriction and extra duty for 30 days. You then served without incident until 12 May 1983 when you received your third NJP wrongful use of marijuana. The punishment imposed was extra duty and restriction for 45 days and reduction to paygrade E-3. On 17 May 1983 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At this time you waived your rights to consult with legal counsel, present your case to an administrative discharge board, or to submit a

statement in rebuttal to the discharge. In connection with separation processing, you were found not to be drug dependent. After your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse, the discharge authority directed an other than honorable discharge by reason of misconduct. On 23 May 1983 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 immaturity, personal problems, and your contention that you should have received treatment and/or counselling for your drug problems. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive drug related misconduct. Although the record does not specifically indicate that you received rehabilitation treatment, you received drug and alcohol abuse education, and were advised concerning the existence of various drug rehabilitation programs. Additionally, you were found not to be drug dependent. It was very clear to the Board that you could have stopped using drugs if you had desired to do so. Finally, the Board noted that you were given a second chance when you were not processed for discharge due to drug abuse after the 27 August 1980 NJP, but were retained in the Navy. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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