



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

TJR
Docket No: 1070-01
18 July 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 10 July 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 9 January 1984 at the age of 20. Your record reflects that on 6 and 26 July 1984 you received nonjudicial punishment (NJP) for three specifications each of failure to go to your appointed place of duty and failure to obey a lawful order. On 10 November 1984 you received NJP for wrongful use of a controlled substance. The punishment imposed was a \$596 forfeiture of pay and extra duty and restriction for 45 days. Shortly thereafter, on 8 November 1984, you received your fourth NJP for a day of unauthorized absence (UA) and wrongful use of a controlled substance. The punishment imposed was a \$576 forfeiture of pay and restriction and extra duty for 45 days.

On 9 November 1984 you were notified of pending administrative separation action by reason of misconduct due to drug abuse, a pattern of misconduct, and commission of a serious offense. You then 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. On 27 November 1984 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse, a pattern of misconduct, and commission of a serious offense. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with civil or military authorities, and on 12 December 1984 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. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your drug related misconduct. 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