



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

CRS
Docket No: 3271-01
2 November 2001



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 31 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 11 February 1982. You reported to active duty on 13 May 1982. The record reflects that on 18 February 1983 you received nonjudicial punishment for an unauthorized absence of a day, failure to obey a lawful order on two occasions, and disrespect. On 27 March 1984 you received a second nonjudicial punishment for failure to obey a lawful order on two occasions.

A special court-martial convened on 28 March 1984 and you were found guilty of use of marijuana and introducing eleven marijuana cigarettes aboard a ship. The court sentenced you to confinement at hard labor for 90 days, forfeitures of \$390 per month for three months, reduction in pay grade, and a bad conduct discharge. You received the bad conduct discharge on 25 June 1985.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were

not sufficient to warrant recharacterization of your discharge due to the seriousness of your drug related offenses. The Board also noted that during a period of less than four years, you were the subject of three disciplinary actions, including the conviction by a special court-martial for your drug offenses. Based on the foregoing, the Board concluded that no change to the discharge is warranted.

Concerning the issue that the two nonjudicial punishments were not yours, the Board found that the 18 February 1983 nonjudicial punishment was found only on the court-martial documents under the section of prior nonjudicial punishments. However, the Board presumed that your lawyer would have reviewed this document and submitted an objection to it. The other nonjudicial punishment is also contained in the court-martial documents in the same place but it is also in the record. In this regard, there is no evidence, and you have presented none, that the two nonjudicial punishments contained in your record are not yours.

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