



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

TJR
Docket No: 4540-01
19 December 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 11 December 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 19. Your record reflects that you served for three years and eight months without disciplinary incident but on 23 June 1983 you received nonjudicial punishment (NJP) for two specifications of wrongful use of controlled substances, specifically, marijuana and cocaine. The punishment imposed was a \$734 forfeiture of pay and restriction and extra duty for 30 days. During the period from 5 July to 8 September 1983 your urine tested positive for marijuana on four occasions. On 15 September 1983 you received NJP for absence from your appointed place of duty and were awarded restriction and extra duty for 15 days and a \$100 forfeiture of pay.

On 17 September 1983 you were notified of pending administrative separation action 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 11 October 1983 an ADB recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse. On 18 October 1983 your commanding officer concurred with the

recommendation of the ADB and recommended you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. The recommendation noted, in part, as follows:

(Member's) performance while temporarily assigned to (this command) has been unsatisfactory. His continued use of illegal drugs is intolerable. During assigned command drug screening (he) has been found on four additional occasions to have used illegal drugs. Drug abuse cannot be tolerated in the Navy regardless of its timing in an individuals enlistment. I concur with the findings of the ADB.

On 21 October 1983 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 24 October 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, post service conduct, and your contention that you were under a lot of pressure which was caused by living in a big city. However, the Board noted that you submitted no evidence in support of this contention, and the record contains no such evidence. 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. 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