



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

TRG
Docket No: 5595-01
4 April 2002

[REDACTED]

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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 2 April 2002. 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.

You enlisted in the Navy on 13 August 1979 at age 18. On 23 April 1980 you received nonjudicial punishment for disobedience. About a year later, on 7 April 1981 you received another NJP for possession of marijuana. The next day you were counseled and warned of the possible adverse consequences of further drug abuse including the possibility of a discharge under other than honorable conditions. In April 1982, two urinalyses showed that you had used marijuana and cocaine.

Based on your repeated drug abuse, you were processed for an administrative discharge. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. Subsequently, a urinalysis showed that you had used marijuana. This was your fourth incident of drug abuse. On 30 May 1982 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 18 June 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and periods of

good service and the character references you submitted showing that you have been a good citizen since discharge. You have also submitted statements which suggest that your inability to behave while in the Navy was caused by sexual abuse when you were a child. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your multiple instances of drug abuse and especially your drug abuse after you were placed on notice that further drug abuse could lead to a discharge under other than honorable conditions. The Board concluded that the 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