



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

TJR
Docket No: 6854-01
20 March 2002

[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 March 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 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 March 1982 at the age of 18. Your record reflects that you served for a year and two months without disciplinary incident but during the period from 6 May to 29 July 1983 you received nonjudicial punishment (NJP) on three occasions for two periods of absence from your appointed place of duty, two specifications of making false official statements, two specifications of failure to obey a lawful order, and insubordination.

During the period from 28 February to 20 December 1985 you received NJP on five more occasions for insubordination, failure to obey a lawful order, two periods of unauthorized absence (UA) totalling 27 days, three periods of absence from your appointed place of duty, missing the movement of your ship, and wrongful use of a controlled substance, specifically, marijuana.

Your record further reflects that on 7 January 1986 you received your ninth NJP for a three day period of UA and were awarded confinement on bread and water for three days.

On 9 and 18 January 1986 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct, drug abuse, and commission of a serious offense. On both occasions you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Subsequently, your commanding officer recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct, drug abuse, and commission of a serious offense. The discharge authority approved the foregoing recommendation and directed an other than honorable discharge by reason of misconduct. On 7 February 1986 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 and post service conduct. The Board also considered your contention that the other than honorable discharge was excessive punishment for the offense of 20 days of UA. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which included drug abuse and resulted in nine NJPs. Given all the circumstances of your case, the Board concluded your discharge was proper 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