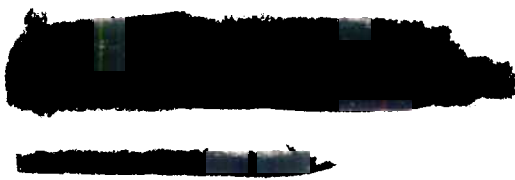




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 7253-01  
5 April 2002



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 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 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 February 1983 at the age of 19. Your record reflects that you served for a year without disciplinary incident but on 29 March 1984 you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded a \$200 forfeiture of pay and restriction and extra duty for 30 days. During the period from 1 May to 17 October 1984 you received NJP on three other occasions for two specifications of failure to obey a lawful order and wrongful use of a controlled substance.

On 22 October 1984 you were you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you submitted a letter of rebuttal to the discharge. On 4 January 1985 your commanding officer recommended you be separated by reason of misconduct due to drug abuse. However, on 18 January 1985, the discharge authority directed your commanding officer to administratively reprocess you for separation by reason of misconduct due to drug abuse and commission of a serious offense, and to afford you the right to present your case to an

administrative discharge board (ADB). On 8 February 1985 you were again notified of pending administrative separation action by reason of misconduct due to drug abuse and commission of a serious offense. After consulting with legal counsel you elected to present your case to an ADB. On 4 March 1985 an ADB recommended you be issued a general discharge by reason of misconduct due to drug abuse. On 17 March 1985 your commanding officer also recommended you be issued a general discharge. On 26 March 1985 the discharge authority approved the foregoing recommendation and directed a general discharge by reason of misconduct, and on 2 April 1985 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 your contention that you would like your discharge upgraded to fully honorable so that you may receive state health benefits. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct which resulted in four NJPs, two of which were for drug abuse. Further, individuals discharged by reason of misconduct normally receive discharges under other than honorable conditions. Accordingly, you were fortunate to receive a general discharge. 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