



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

TJR
Docket No: 4182-02
11 December 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 10 December 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.

You enlisted in the Navy on 22 February 1984 at the age of 18. You served for a year without disciplinary incident, but on 15 April 1985, you received nonjudicial punishment (NJP) for wrongful use of marijuana, misbehavior as a sentinel, and wrongful use of cocaine. The punishment imposed was restriction and extra duty for 30 days, reduction to paygrade E-1, and a \$620 forfeiture of pay.

On 16 May 1985 you were 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 administrative discharge board (ADB). On 31 May 1985 you submitted a written statement to an ADB in which you admitted to using marijuana, but thought you would not get caught. You also stated that you were not aware that the marijuana you had used had been laced with cocaine, and requested retention in the Navy. However, an ADB recommended separation by reason of misconduct. On 13 August 1985 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse and

commission of a serious offense. This recommendation noted, in part, as follows:

Member's performance is unsatisfactory; found sleeping on watch on 21 February 1985 and was counselled; found sleeping on watch again on 19 March 1985 and was awarded NJP; at NJP Member was also found guilty of wrongful use of marijuana and cocaine on 7 March 1985; his conduct has had an adverse affect on morale, discipline, and mission effectiveness.

Subsequently, you were processed for separation by reason of misconduct. On 1 September 1985 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 12 September 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, character reference letters, and your contention that you believe your misconduct was the result of your diagnosed schizophrenia since you have not been criminally involved in any incidents now that you are being properly medicated. Nevertheless, the Board concluded recharacterization of your discharge was not warranted because of your drug related misconduct and overall unsatisfactory performance. Further, there is no evidence in the record, and you submitted none, to support your contention that your ability to properly service was impaired by your diagnosed schizophrenia. 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