



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

TRG
Docket No: 5500-01
21 March 2002

[REDACTED]

[REDACTED]

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 19 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 3 June 1982 at age 21. You then served without incident until 15 August 1983. On that date, you received nonjudicial punishment for disrespect, and possession and use of marijuana. On 28 February 1984, you were convicted by a summary court-martial of two periods of unauthorized absence totaling about 21 days, breaking restriction, disobedience and use of marijuana.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. On 23 March 1984 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. Seven days later, you were convicted by another summary court-martial of an unauthorized absence of about five days and possession and use of marijuana. You were discharged under other than honorable conditions on 6 April 1984.

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

that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct and especially the multiple instances of possession and use of marijuana. 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