



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

TJR
Docket No: 5691-00
26 February 2001

Dear [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 13 February 2001. 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 Naval Reserve on 30 June 1976 at the age of 18. Your record reflects that on 13 April 1977 you received nonjudicial punishment (NJP) for a 10 day period of unauthorized absence (UA) and were awarded restriction for a 11 days and a \$274 forfeiture of pay. On 23 September 1977 you received NJP for use of dangerous drugs, specifically, 14 Valium, nine Dexidrine, and 1/2 gram of hashish. The punishment imposed was a \$424 forfeiture of pay and restriction for 60 days.

Your record further reflects that on 12 January and again on 8 June 1978 you received NJP for two periods of absence from your appointed place of duty, wrongful use of marijuana, and larceny of property valued at \$27.80.

Approximately a year later, on 15 June 1979, you were convicted by special court-martial (SPCM) of two periods of UA totalling 176 days. You were sentenced to confinement at hard labor for 90

days, a \$837 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels review, and on 14 May 1981 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 were told that your discharge would be automatically upgraded six months after your separation. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given the seriousness of your drug related misconduct. The Board noted that there is no evidence in your record, and you submitted none, to support your contention. Further, no discharge is upgraded merely because of the passage of time. The Board further concluded that your 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