



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

TJR  
Docket No: 6109-01  
12 February 2002

[REDACTED]

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 5 February 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 Naval Reserve on 6 November 1981. On 9 February 1982 you began a three year period of active duty. Your record reflects that you served for a year and four months on active duty without disciplinary incident but on 7 June 1983 you received nonjudicial punishment (NJP) for wrongful use of marijuana and hashish. The punishment imposed was a \$400 forfeiture of pay, a reduction in rate, and restriction and extra duty for 45 days.

Your record further reflects that on 14 May 1984 you received NJP for 20 specifications of wrongful possession of marijuana and were awarded extra duty for 45 days, a reduction in rate, and a \$600 forfeiture of pay.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 30 May 1984 an ADB recommended you be separated under other than honorable conditions by reason of misconduct due to drug abuse. On 29 June

1984 your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct. On 23 July 1984 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 8 August 1984 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 did not use drugs and were not in possession of any drugs. The Board also considered your contention that you were punished because military authorities thought you had knowledge of someone who was in possession of drugs and you would not divulge any names. The Board further considered your contention that you were told that you could go to jail for tampering with U. S. mail, when, in fact, all you did was remove some panty-hose from a trash container. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive drug related misconduct. The Board noted that you submitted no evidence to support your contention, and the records contains no such evidence. Given all the circumstances of your case, the Board concluded 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