



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

TJR
Docket No: 3885-02
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 April 1981 at the age of 19. On 18 November 1981 you received nonjudicial punishment (NJP) for possession of drug paraphernalia and were awarded extra duty and restriction for 30 days and a \$150 forfeiture of pay.

On 28 July 1983 you received NJP for possession of marijuana while on watch. The punishment imposed was restriction for 21 days, extra duty for 45 days, a \$600 forfeiture of pay, and a suspended reduction to paygrade E-2. However, on 12 December 1983, the suspended reduction in paygrade was vacated due to your continued misconduct, and on 13 December 1983, you received NJP for wrongful use of marijuana. The punishment imposed was restriction and extra duty for 45 days, a \$287 forfeiture of pay, and reduction to paygrade E-1.

On 16 December 1983 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 19

December 1983 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse as evidenced by your continued involvement with controlled substances. This recommendation was approved, and on 23 December 1983 the discharge authority directed an other than honorable discharge by reason of misconduct. On 20 January 1984 you received an other than honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and post service conduct. It also considered your training in criminal justice. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repeated drug related misconduct, which resulted in three NJPs. 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