



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

TRG  
Docket No: 4024-02  
11 September 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 11 September 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 20 November 1975 at age 18. During 1976 you received nonjudicial punishment on five occasions for six periods of unauthorized absence totaling about eight days, use of marijuana, disrespect and disobedience. On 2 December 1976 you were transferred for treatment of your drug dependency. On 10 January 1977 the Navy Drug Rehabilitation Center noted your continuing unauthorized absences, poor performance and negative attitude, and recommended your discharge from the Navy. On 11 January 1977 you received nonjudicial punishment for an unauthorized absence of about seven days.

Based on the foregoing record, you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 1 February 1977 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. The DD Form 214 is not filed in your record. However, it appears that you should have been discharged after 1 February 1977 instead of on 19 January 1977 as you state in your application.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for a better discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your disciplinary record and failure to complete the drug rehabilitation program. Current regulations do not preclude the issuance of a discharge under other than honorable conditions to individuals who are found to be drug dependent. 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