



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

TRG
Docket No: 1506-03
31 July 2003



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 29 July 2003. 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 were honorably released from active duty on 15 October 1979 and recommended for preferred reenlistment. You reenlisted in the Navy on 29 May 1981. During the period from 31 July 1982 to 22 February 1983, you received nonjudicial punishment on three occasions. Your offenses were two absences from your appointed place of duty, and possession and use of cocaine.

Based on the foregoing record, you were processed for discharge by reason of misconduct due to drug abuse. On 22 March 1983 the discharge authority approved the recommendation of your commanding officer that you be discharged under other than honorable conditions. You were so discharged on 19 April 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and the documentation showing that you have been steadily employed since discharge. The Board also considered your contention that a discharge under other than honorable conditions based on one incident of drug abuse was too severe. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of

misconduct and especially your use of cocaine. Regulations require separation processing for those individuals who use drugs, and they normally are discharged under other than honorable conditions. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the discharge under other than honorable conditions.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you are eligible for veterans benefits based on your prior honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

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