



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

TRG
Docket No: 2429-03
5 September 2003

[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 3 September 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 enlisted in the Navy on 16 October 1978 at age 20. You satisfactorily completed initial training and on 7 February 1979 you reported to your first duty station.

During the period 15 March 1979 to 21 May 1980 you received nonjudicial punishment on seven occasions. Your offenses were an unauthorized absence of about 38 days, absence from your appointed place of duty, four instances of possession of marijuana, one instance of possession of hashish, failure to report a theft, disobedience, and smoking in a dangerous manner which caused a fire.

A special court-martial convened on 20 December 1980 and convicted you of an unauthorized absence of about 55 days. The court sentenced you, as mitigated, to a bad conduct discharge. You began appellate leave on 12 June 1981 and remained in that status until the bad conduct discharge was issued on 15 May 1984.

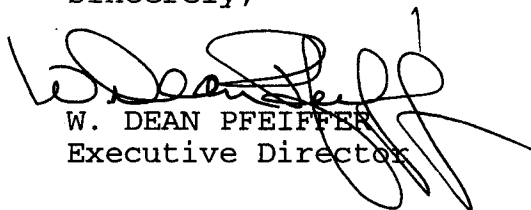
In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your contention, in effect, that drug abuse led to your misconduct. You claim that

you received drug rehabilitation and have not used drugs or alcohol since 1995. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct, and especially the lengthy period of unauthorized absence of which you were convicted by the special court-martial. Regulations state that drug and alcohol abuse is not an excuse for misconduct and disciplinary action is appropriate following drug and alcohol related misconduct. Even if you were drug dependent, the Board believed that sometime during the period of unauthorized absence, you must have made a knowing decision to remain absent. 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