



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

SMW  
Docket No: 10029-06  
5 April 2007

[REDACTED]

Dear [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 4 April 2007. 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.

On 6 November 1984 you enlisted in the Navy at age 18. Prior to enlistment, you disclosed pre-service use of marijuana and acknowledged the Navy's drug abuse policy, which prohibits the use of illegal drugs. On 3 March 1985 although you refused to consent to a urinalysis such a test was administered which tested positive for marijuana. However, it appears that no disciplinary action was taken at that time. Apparently, another urinalysis was administered on 31 October 1985 which tested positive for marijuana. On 27 November 1985 you received nonjudicial punishment (NJP) for use of marijuana.

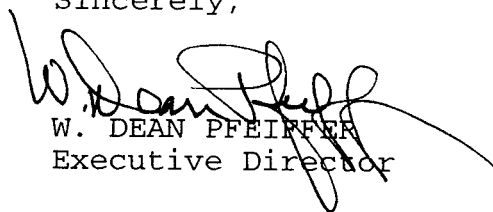
On 18 December 1985 your commanding officer (CO) initiated administrative separation action by reason of misconduct due to commission of a serious offense and drug abuse. In connection with this processing, you acknowledged that the separation could result in an other than honorable discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 23 December 1985 a drug abuse evaluation reported that you had no potential for further service after you denied any

need for treatment. On 16 January 1986 the separation authority approved the recommendation and directed an other than honorable discharge by reason of misconduct due to drug abuse. On 24 January 1986 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, post-service accomplishments, and regret for your past decisions. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Finally, the Board noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, 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