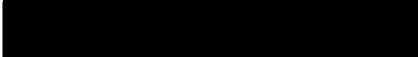
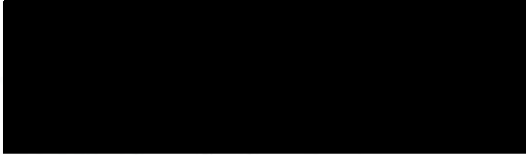




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 6074-10
18 March 2011



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 15 March 2011. The names and votes of the members of the panel will be furnished upon request. 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 21 April 1982 at age [REDACTED] and began a period of active duty on 2 November 1982. You served without disciplinary incident until 14 February 1984, when you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 20 June and again on 5 July 1984 you received NJP for absence from your appointed place of duty, drunk and disorderly conduct, and wrongful use of marijuana.

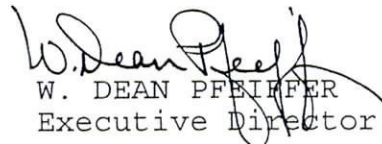
Subsequently, administrative processing action was initiated by reason of misconduct due to drug abuse. After consulting with legal counsel you elected your right to present your case to an administrative discharge board (ADB). In this regard, an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. However, before this recommendation could be considered by the discharge authority, on 3 January 1985, you were convicted by special court-martial (SPCM) of wrongful use of marijuana. You were sentenced to confinement at hard labor for 45 days, a \$794 forfeiture of pay,

and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 12 February 1985, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertions that your request for transfer was denied and that you were unjustly and wrongfully convicted by court-martial. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive drug-related misconduct. Finally, there is no evidence in the record, and you submitted none, to support your assertions. Accordingly, your application has been denied.

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