



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

SJN
Docket No: 07032-10
9 March 2011

[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 8 March 2011. 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 and began a period of active duty on 15 December 1981. The Board found that you received nonjudicial punishment for wrongful use of marijuana. You received a forfeiture of pay, restriction, and a reduction in paygrade. You were evaluated and found not to be dependent on marijuana, but considered to be a drug abuser and placed in a drug rehabilitation program on 18 September 1985. Additionally, you were counseled and warned that further drug involvement or misconduct could result in administrative discharge action. On 1 October 1985, you tested positive for use of marijuana. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug use. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 29 November 1985, the ADB unanimously recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. Your commanding officer concurred with the ADB's finding and

recommendation that you be separated. On 11 December 1985, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. On 12 December 1985 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and letter from the Office of Veteran's Services. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP for drug use, and failure to adhere to your command's drug rehabilitation program. 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