



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

TJR
Docket No: 11283-11
4 August 2011

[REDACTED]

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 2 August 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 18 March 1986 at age 19 and began a period of active duty on 3 April 1986. You served without disciplinary incident until 1 February 1987, when you received nonjudicial punishment (NJP) for two specifications of wrongful possession and use of marijuana, three periods of absence from your appointed place of duty, and failure to obey a lawful order. Shortly thereafter, on 17 February 1987, you received NJP for disrespect and failure to obey a lawful order. About four months later, on 23 June 1987, you were convicted by special court-martial (SPCM) of five periods of failure to go to your appointed place of duty, unauthorized possession of two identifications cards, and wrongful possession of marijuana. You were sentenced to confinement at hard labor for 60 days and an \$800 forfeiture of pay.


On 12 December 1987 you were again convicted by SPCM. Your offenses were larceny, failure to obey a lawful order, and a 44 day period of unauthorized absence (UA). You were sentenced to confinement for three months, a \$1,314 forfeiture of pay, and a

bad conduct discharge (BCD). Subsequently, on 3 February 1989, the BCD was approved at all levels of review, and on 13 February 1989, 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 conduct, and desire to upgrade your discharge. It also considered your assertions that your discharge was due to psychiatric problems and your inability to serve was due to your alcohol and drug problems. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive drug related misconduct and your lengthy period of UA from the Navy. 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