



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

TJR
Docket No: 11357-10
11 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 9 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 reenlisted in the Navy on 26 March 1984 after nearly three years of prior honorable service. You continued to serve for about two years and four months without disciplinary incident, however, during the period from 11 July to 13 November 1986, you received nonjudicial punishment (NJP) on two occasions for two specifications of dereliction of duty and absence from your appointed place of duty. On 12 August 1987 and again on 27 August 1988 you received NJP for absence from your appointed place of duty and unspecified offenses.

On 23 June 1989 you received your fifth NJP for a five day period of unauthorized absence (UA), missing the movement of your ship, and wrongful use of cocaine and marijuana. The punishment imposed was restriction and extra duty for 45 days, reduction to paygrade E-4, and a \$1,082 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct and drug abuse. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 26 June 1989 your commanding officer recommended separation under other than honorable conditions by reason of misconduct due to a pattern of misconduct and drug abuse. This recommendation stated, in part, that you were a disruptive influence, performed below minimum standards, did not show interest in completing your term of service, and your drug abuse adversely affected combat readiness. The discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 6 July 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 post service conduct, period of satisfactory service, desire to upgrade your discharge, and the passage of time. It also considered your assertion of emotional and personal problems. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your frequent and repetitive misconduct which resulted in five NJPs and included drug abuse. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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