



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

TJR  
Docket No: 11718-10  
16 September 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 13 September 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 18 June 1982 after more than four years of prior honorable service. You continued to serve without disciplinary incident until 23 August 1985, when you were convicted by special court-martial (SPCM) of wrongful use of cocaine and were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-4, and a \$400 forfeiture of pay.

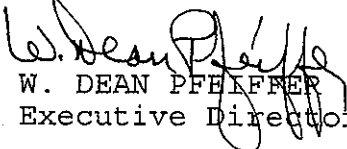
It appears that in October 1986 you were again convicted by SPCM of unspecified offenses and were sentenced to confinement at hard labor for three months, a \$1,200 forfeiture of pay, and a bad conduct discharge (BCD). However, your record clearly reflects that after the BCD was approved at all levels of review, on 20 November 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, prior satisfactory service, and desire to upgrade your discharge. It also considered your assertion that your

discharge was based on drug abuse. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct. 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