



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

SJN  
Docket No: 00462-13  
23 October 2013

[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 22 October 2013. 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.


On 2 November 1981, you reenlisted in the Navy after five years of honorable service. The Board found that on 19 April 1985, you received nonjudicial punishment (NJP) for wrongful use of cocaine. You received restriction, extra duty, a forfeiture of pay, and a reduction in paygrade. On 29 April 1985, you were counseled and warned that further misconduct could result in administrative discharge action. On 12 August 1985, you received a second NJP for 30 days of unauthorized absence, two instances of missing ship's movement, wrongful appropriation of a transformer, and disobedience. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug use and commission of a serious offense. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 4 September 1985, the ADB found you had committed misconduct and recommended that you be separated from the Navy with an other than honorable (OTH) discharge. On 4 October 1985, your commanding officer concurred with the ADB's

findings and forwarded his recommendation that you be discharged. On 17 October 1985, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 18 October 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, desire to upgrade your discharge, and contention that you had Post Traumatic Stress Disorder (PTSD) at the time of your misconduct. Nevertheless, the Board concluded these factors and contention are not sufficient to warrant recharacterization of your discharge given your two NJP's, one of which was for wrongful drug use. Concerning your contention of having PTSD, there is no evidence in the record to support it, and you submitted no such evidence. 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