



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

TJR
Docket No: 2421-02
9 October 2002

[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 8 October 2002. 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 2 September 1981 at the age of 20. You served for nearly a year without disciplinary incident, but on 4 August 1982 you received nonjudicial punishment (NJP) for two specifications of wrongful possession of marijuana and possession of drug paraphernalia. The punishment imposed was restriction and extra duty for 45 days, a \$550 forfeiture of pay, and a reduction to paygrade E-1.

During the period from 2 June to 5 November 1983 you received NJP on three occasions for two specifications of disobedience, two specifications of failure to obey a lawful order, four periods of absence from your appointed place of duty, insubordination, wrongful possession of marijuana, and possession of drug paraphernalia.

On 29 November 1983 you were notified that administrative separation action had been initiated by reason of misconduct due to drug abuse and frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to present your case to an

administrative discharge board. On 2 December 1983 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 7 December 1983 the discharge authority directed discharge under other than honorable conditions, and on 12 December 1983 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 and immaturity and your contention that your liberty card was illegally confiscated. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive disciplinary actions, several of which resulted from your drug abuse. 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