



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3853-99

24 September 1999

[REDACTED]

Dear [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 21 September 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 11 January 1980 at age 20. The record shows that you received nonjudicial punishment on two occasions for multiple instances of failing to go to your appointed place of duty and breaking restriction. A special court-martial convened on 2 September 1982 and convicted you of possession of drugs and an unauthorized absence of about 161 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$367 pay per month for three months, confinement at hard labor for three months and a bad conduct discharge. The bad conduct discharge was issued on 29 April 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and limited education. The Board also considered your contentions that the discharge was unfair because it was based on an isolated instance of misconduct, you were not treated for your drug dependency, and the unauthorized absence only occurred because you panicked after being informed of pending disciplinary action for the drug use. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct, drug abuse, and especially the lengthy periods of unauthorized absence. There is no evidence in the

record, and you have submitted none, to show that you were drug dependent in 1982. However, even if you were, the Board did not believe it would excuse or sufficiently mitigate your lengthy period of unauthorized absence. The Board concluded that the discharge was proper as issued and no change is warranted.

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