



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

TJR
Docket No: 10295-02
12 September 2003

[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 September 2003. 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 9 September 1977 at age 18 and served without disciplinary incident until 15 January 1979 when you received nonjudicial punishment (NJP) for possession of marijuana and hashish. The punishment imposed was a \$466 forfeiture of pay, reduction to paygrade E-2, and correctional custody for 30 days. The correctional custody was suspended for six months.

On 31 July 1979, while you were in an unauthorized absence (UA) status, you were arrested by Japanese civil authorities on charges of violation of cannabis control laws, specifically, receiving and trafficking 200 sticks of marijuana. On 30 October 1979 you were convicted by Japanese civil authorities of violating cannabis control laws, and were sentenced to 17 months in prison.

On 24 November 1979 you were notified of pending administrative separation action had been initiated by reason of misconduct due to civil conviction. Subsequently, an administrative discharge

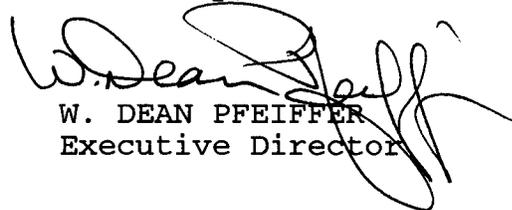
board (ADB) recommended separation under other than honorable conditions due to the civil conviction. Your commanding officer did not concur with the recommendation of the ABD and recommended a general discharge by reason of misconduct. However, on 20 January 1980, the discharge authority directed separation under other than honorable conditions, to be executed upon your release from civil confinement and return to the United States. On 18 August 1980, upon your release from civil authorities, you were discharged under other than honorable conditions.

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 contentions that except for the civil conviction, your military service was otherwise honest, faithful, and meritorious, you were never under the influence of marijuana while performing your military duties, and the taboo against marijuana use has eased considerably. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your serious and repetitive drug related misconduct in both the military and civilian communities. Finally, the Board noted that under current standards, an individual processed for separation due to drug abuse or civil conviction is usually discharged under other than honorable conditions. 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