



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

TJR
Docket No: 694-99
23 July 1999

[REDACTED]

Dear [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 13 July 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 25 August 1981 at the age of 21. Your record reflects that you served for two years without incident but on 7 February 1983 you received nonjudicial punishment (NJP) for a 42 day period of unauthorized absence (UA). The punishment imposed was correctional custody for 30 days and reduction to paygrade E-1, all of which was suspended for six months. On 28 February 1983 the foregoing suspended reduction to paygrade E-1 was vacated due to your continued misconduct.

Subsequently, on 11 May 1983, you were issued an other than honorable discharge by reason of misconduct due to drug abuse. The record does not contain any documents pertaining to your separation processing, or the underlying drug abuse.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct and your contention that you would like your discharge upgraded. The

Board also considered your contention that your period of UA was beyond your emotional and mental control. Further, the Board considered your children and family services documentation, foster care licenses, and educational certificates. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct. It appears that in addition to the period of UA, you were guilty of some sort of drug abuse, for which discharge under other than honorable conditions is authorized. Given all the circumstances of your case, the Board concluded your discharge was proper 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