



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

CRS
Docket No: 875-01
11 July 2001

[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 27 June 2001. 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 reenlisted in the Marine Corps on 12 February 1982 after more than five years of prior active service. The record reflects that on 28 September 1983 you were diagnosed as having optic neuritis. On 31 May 1984 you had a positive urinalysis for marijuana. Subsequently, you were convicted by civil authorities on 15 March 1985 of grand larceny. The court sentenced you to three years in prison, but you were required to serve only 11 months in confinement.

On 18 September 1985 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to drug abuse and the civil conviction. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 11 December 1985.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as the contention that your multiple sclerosis and depression caused or significantly contributed to your misconduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the civil conviction and drug use. In this regard, there is no evidence that the beginning stages of your multiple sclerosis caused or significantly contributed to your misconduct. Based on the foregoing, the Board concluded that no change to the discharge 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