



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

ELP  
Docket No. 1583-01  
29 June 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 Navy 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.

You enlisted in the Marine Corps on 9 June 1980 for four years at age 19. The record reflects that you were advanced to CPL (E-4) and served for more than 28 months without incident. However, during the six month period from November 1982 to May 1983 you received three nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of failure to obey an officer's order not to chamber any rounds in your weapon, conduct unbecoming a Marine noncommissioned officer, two brief periods of unauthorized absence (UA) totalling about 13 hours, a nine day period of UA, and wrongful use of marijuana. As a result of the foregoing disciplinary actions you were reduced in rank to PVT (E-1).

On 5 July 1983 you were notified that you were being recommended for discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct and drug abuse. You were advised of your procedural rights, declined to consult with

counsel or submit a statement in your own behalf, and waived the right to present your case to an administrative discharge board (ADB). Thereafter, the commanding officer recommended that you be separated under other than honorable conditions by reason of misconduct due to a pattern of misconduct and drug abuse. The battalion commander recommended discharge by reason of misconduct due to drug abuse. The discharge authority approved the recommendation and you were discharged under other than honorable conditions on 5 August 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, letters of reference, training certificates, military records, good post-service conduct, and the fact that it has been nearly 18 years since you were discharged. The Board noted your contentions concerning the offenses which led to your discharge. However, the Board concluded that these factors and contentions were insufficient to warrant recharacterization of your discharge given your record of three NJPs and a summary court-martial conviction. The Board noted the aggravating factor that you waived your right to an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. The Board also noted that you submitted no evidence to support your contentions, and the record contains no such evidence. Your discharge was accomplished in compliance with applicable regulations and there is no indication of any procedural errors that would have substantially jeopardized your rights. The Board concluded that the 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