



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1749-00

29 August 2000

[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 9 August 2000. 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 reenlisted in the Marine Corps on 1 November 1981 after three years and 10 months of prior honorable service. Your record reflects that you continued to serve for nearly two years without incident but on 8 August 1983 you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded a \$400 forfeiture of pay, which was suspended for two months, and reduction to paygrade E-4. Approximately one year later, on 2 August 1984, you again received NJP for wrongful use of marijuana. The punishment imposed was a \$500 forfeiture of pay, a reduction in rate, and restriction and extra duty for 30 days. The restriction was suspended for two months.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. On 28 August 1984 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct. On 10 October 1984

the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct. On 19 October 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, record of medals/awards, record of promotions, and your contention that you would like your discharge upgraded. The Board also considered your contention that you were issued an other than honorable discharge because the Marine Corps was not willing to address your drug problems. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent drug related misconduct. Given all the circumstances of your case, the Board concluded your 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