



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

TRG
Docket No: 5524-01
15 November 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 14 November 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 27 June 1980 at age 20. The record shows that on 23 January 1982 you were placed on a urinalysis surveillance program due to a positive result for cocaine from a command directed urinalysis. On 21 June 1982 you received nonjudicial punishment for possession and use of marijuana, possession of drug paraphernalia, and possession of beer in the barracks.

Based on the foregoing record, you were recommended for a general discharge. After review by the discharge authority, this recommendation was approved. On 22 October 1982 you were issued a general discharge by reason of misconduct due to drug abuse.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for a better discharge. The Board found that your record of drug abuse was sufficient to support discharge processing. Further, you were fortunate to have received a general discharge because your drug abuse could have resulted in a discharge under other than honorable conditions. The Board concluded that the general discharge by reason of misconduct 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