



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

TRG
Docket No: 312-02
13 March 2002

[REDACTED]

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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 12 March 2002. 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 28 June 1982 at age 20 following a period of service in the Marine Corps Reserve. On 1 June 1983 you received nonjudicial punishment for use of marijuana on or about 9 May 1983. Subsequently, you tested positive for marijuana on two random urinalyses of 22 June and 2 August 1983.

Based on your record of drug abuse, you were processed for an administrative discharge by reason of misconduct due to drug abuse. In connection with that processing, you apparently waived the right to have your case heard by an administrative discharge board. Subsequently, the commanding officer recommended discharge based on the two positive random urinalyses. After review, the discharge authority directed discharge under other than honorable conditions. You were so discharged on 21 October 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and the contention that you did not use marijuana after the first time and the subsequent urinalyses were so close together that the

marijuana did not have time to leave your system. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of drug abuse. The Board noted that the record shows that you tested positive for marijuana on 9 May, 22 Jun and 3 August 1983. This spacing of the urinalyses led the Board to conclude that there were multiple incidents of drug abuse. The Board concluded that the 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