



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

TJR
Docket No: 3142-02
13 November 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, 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 13 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 20 May 1997 at the age of 18 and served for nearly two years without disciplinary incident. However, on 4 May 1999 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded extra duty for 45 days and a suspended reduction to paygrade E-2.

On 23 July 1999 you were counselled regarding your drug abuse. At that time you refused to undergo an evaluation for drug addiction, and were recommended for an administrative separation. Subsequently, on 11 August 1999, you received NJP for illegal use and possession of amphetamine, methamphetamine, marijuana, and two specifications of use and possession of ecstasy. The punishment imposed was vacation of the suspended reduction to paygrade E-2, reduction to paygrade E-1, restriction and extra duty for 45 days, and a \$958 forfeiture of pay.

On 16 August 1999 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and

to present your case to an administrative discharge board. Subsequently, your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. This recommendation was approved and on 24 August 1999 the discharge authority directed an other than honorable discharge by reason of misconduct. On 2 September 1999 you received an other than honorable discharge and were assigned an RE-4B reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your admission that you made mistakes that effected your ability to serve. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repeated drug related misconduct. Further, an individual discharged under other than honorable conditions by reason of misconduct due to drug abuse must receive an RE-4 reenlistment code. 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