



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

WMP

Docket No: 5355-02

19 December 2002

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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 17 December 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.

The Board found that you reenlisted in the Marine Corps on 1 December 1982 for three after over three years of prior active service. Your record reflects that you served without incident until 30 January 1983, when you received nonjudicial punishment (NJP) for two instances of absence from your appointed place of duty. The punishment imposed was a forfeiture of \$150, 14 days restriction, and a suspended reduction in rank to lance corporal (E-3).

Your record further reflects that on 31 May 1983 you received NJP for wrongful use of marijuana while on duty. The punishment imposed was forfeitures of \$352 per month for two months and a reduction in rank to lance corporal (E-3).

On 20 June 1983 administrative separation action was initiated by reason of misconduct due to drug abuse. On 24 June 1983, after being advised of your procedural rights and, having consulted with counsel, you elected to exercise those rights. However, you later waived your right to an administrative discharge board (ADB) after consulting with your counsel.

On 27 June 1983 the commanding officer forwarded the separation action, recommending an other than honorable discharge, to the discharge authority. On 16 August 1983 discharge was directed under other than honorable conditions by reason of misconduct due to drug abuse. On 23 August 1983 you were so discharged.

On 3 January 1991, the Naval Discharge Review Board (NDRB) considered your case and concluded that your service was appropriately characterized as having been under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that the record fully supported processing for separation due to misconduct for drug abuse. It is also clear that you were fully cognizant of the Marine Corps policy concerning illegal drug use, and, despite this knowledge, you made a conscious decision to violate that policy and use marijuana. Therefore, the Board concluded that your discharge under other than honorable conditions was appropriate. 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