



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

TJR
Docket No: 5483-00
26 February 2001

[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 13 February 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 24 June 1982 at the age of 18. Your record reflects that you served for a year and two months without incident but on 23 August 1983 you received nonjudicial punishment (NJP) for altering a military identification card. The punishment imposed was a \$350 forfeiture of pay and restriction and extra duty for 14 days. On 12 June and again on 31 August 1984 you received NJP for using indecent and insulting gestures, absence from your appointed place of duty, disobedience, and disrespect.

Your record further reflects that on 8 March 1985 you received NJP for wrongful use of marijuana and were awarded a \$600 forfeiture of pay, extra duty for 14 days, and a reduction to paygrade E-2. On 17 June 1985 you received your fifth NJP for disobedience and wrongful use of marijuana. The punishment imposed was a \$600 forfeiture of pay, restriction and extra duty for 45 days, and reduction to paygrade E-1.

Subsequently, 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 or submit a statement in rebuttal to the separation. On 19 June 1985 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed an other than honorable discharge, and on 21 June 1985 you were so discharged.

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 contention that the other than honorable discharge has hindered your employment opportunities. The Board also considered the letters on your behalf from the Veterans of Foreign Wars. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your 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