



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

FC
Docket No: 06537-02
24 January 2003

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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 15 January 2003. 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 enlisted in the Marine Corps on 29 November 1979 at age 19. During the period of 6 March 1980 through 26 October 1981, you were awarded three nonjudicial punishments for dereliction of duty, wrongfully leaving post without authority, and failure to go to your appointed place of duty.

On 18 February 1983, you were convicted by a special court-martial of possession of marijuana with the intent to distribute. The court sentenced you to confinement at hard labor for 45 days, forfeiture of \$300.00 dollars per month for six months, a reduction and a bad conduct discharge (BCD). On 14 February 1984, upon completion of appellate review, you received a BCD.

In its review of your case, The Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the length of time that has passed since you were discharged from the Marine Corps. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, and especially the court-martial conviction for a serious drug-related offense. 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