



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

TRG  
Docket No: 9783-02  
7 May 2003

[REDACTED]

NO AVAILABLE ADDRESS

[REDACTED]

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 29 April 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.

You enlisted in the Marine Corps on 6 May 1980 at age 18. You then served without incident until 6 May 1982, when an entry was made in your record to document that you were being retained in the Marine Corps despite a positive urinalysis for PCP. On 6 January 1983 you were apprehended for possession of marijuana.

Based on the foregoing record, you were processed for an administrative discharge. An administrative discharge board met on 19 April 1983, found that you had committed misconduct due to drug abuse, and recommended discharge under other than honorable conditions. After review, the discharge authority directed discharge under other than honorable conditions. On 11 May 1983, you received nonjudicial punishment for drinking alcohol in an unauthorized area. You were discharged under other than honorable conditions on 13 May 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, period of good service and your contentions that the discharge was too severe given that the other individual who was apprehended for possession of marijuana with you was a sergeant, he was in

possession of marijuana with you was a sergeant, he was in possession of more marijuana than you, and he received a general discharge. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your two instances of drug related misconduct.

The arrest report you submitted shows that the sergeant was found in possession of a pipe containing suspected marijuana residue and 2.1 grams of marijuana. You were found in possession of .3 grams of marijuana. The Board obtained the record of that sergeant. His record shows that he enlisted in the Marine Corps on 29 June 1979 and served without incident for over three and a half years and was promoted to sergeant. The arrest for possession of marijuana is the only derogatory entry in his record. The Board thus concluded that the administrative discharge boards and the discharge authority had a sufficient basis to reach different conclusions in the two cases. Therefore, the Board concluded that 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