



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

JRE  
Docket No. 06567-08  
11 May 2009

[REDACTED]

[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 7 May 2009. 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 served on active duty in the Marine Corps from 5 January 1999 to 10 March 2000, when you were discharged under other than honorable conditions by reason of misconduct due to drug abuse. Although you suffered from a number of physical complaints during your enlistment, it does not appear that you were unfit for duty by reason of physical disability prior to your separation. You would not have been entitled to disability separation or retirement even if you had been unfit for duty, because your discharge by reason of misconduct would have taken precedence over and precluded your referral to the disability evaluation system. Accordingly, your

application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for upgrade of your discharge to general because you have not exhausted an available administrative remedy by applying to the Naval Discharge Review Board. A DD Form 293, Application for Review of Discharge or Dismissal from the Armed Forces, is enclosed for possible use in that regard.

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,



ROBERT D. ZSALMAN  
Acting Executive Director