



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

CRS
Docket No: 8474-08
20 July 2009

[REDACTED]

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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 1 July 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 enlisted in the Marine Corps on 4 January 1984. You received two nonjudicial punishments for offenses that included disrespect, larceny and wrongful use of marijuana, amphetamine, and methamphetamine.

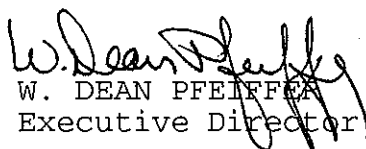
On 3 September 1986 your commanding officer recommended that you be separated from the Marine Corps with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 13 October 1986 with a discharge under other than honorable conditions.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and overall record of service, and your contention that you were punished twice for the same offense. It noted that it is proper to initiate separation action for misconduct that has previously been the subject of nonjudicial punishment action. The Board concluded that the mitigating factors present in your case are

insufficient to warrant recharacterization of your discharge, given your involvement with unlawful drugs. 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 PFETFFER
Executive Director