



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

BJG
Docket No: 8755-08
18 June 2009



Dear [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 17 June 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 and medical records, 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 had prior honorable service in the Marine Corps from 22 June 1982 until 7 February 1986. You reenlisted in the Marine Corps for four years on 7 February 1986. You received nonjudicial punishment on 3 October 1991 for wrongful use of cocaine. On 17 December 1991, you were notified of pending administrative separation processing with an other than honorable (OTH) discharge for misconduct due to drug abuse. You requested an administrative discharge board (ADB), which met on 27 March 1992, and found that you had committed misconduct due to drug abuse and recommended an OTH discharge. You denied knowingly


using cocaine at your ADB. On 24 April 1992, you received an OTH discharge for misconduct due to drug abuse, and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your prior honorable service and remorse. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your OTH discharge because of your drug abuse. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that you may be eligible for veterans' benefits based on your prior honorable service. You may contact the Department of Veterans Affairs for more information.

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