



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

TJR  
Docket No: 3701-10  
9 February 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 8 February 2011. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 28 September 1979 at age 17 and began a period of active duty on 25 June 1980. You served without disciplinary incident until 18 June 1981, when you received nonjudicial punishment (NJP) for wrongful use of marijuana, failure to obey a lawful order, and a six day period of unauthorized absence (UA). On 17 September 1981 you received NJP for a 15 day period of UA and failure to go to your appointed place of duty.


On 15 June 1983 you received your third NJP for wrongful use of marijuana and were awarded a reduction to paygrade E-2 and a \$100 forfeiture of pay. Shortly thereafter, on 29 July 1983, your driving privileges were revoked for a year due to a traffic court conviction of wrongful possession and use of marijuana. Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. The

discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 21 September 1983, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive drug-related misconduct, which resulted in three NJPs and a traffic court conviction. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. Accordingly, your application has been denied.

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