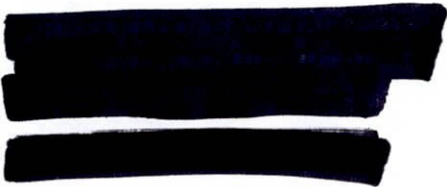




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

REC
Docket No: 06671-10
4 April 2011



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 30 March 2011. 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 and began a period of active duty on 14 February 1979. On 17 June 1981, you provided a urinalysis sample which tested positive for phencyclidine (PCP). On 31 March 1980, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 10 February 1982, you were convicted by a summary court-martial (SCM) of violation of a lawful general regulation by wrongfully possessing marijuana. You were sentenced to a forfeiture of \$266, reduction in pay grade, and confinement at hard labor for 30 days. You were informed that you would receive a general discharge at the expiration of your term of active obligated service and were not eligible for reenlistment. The discharge authority directed a general discharge. You were so discharged on 12 March 1982.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of one NJP, and one conviction by SCM of misconduct. The Board also noted that you were fortunate to

receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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