



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

TJR
Docket No: 11672-10
18 August 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 16 August 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 May 1981 at age 18 and served for about nine months without disciplinary incident. However, on 24 February 1982, you received nonjudicial punishment (NJP) for assault with a deadly weapon, specifically, a knife. The punishment imposed was restriction and extra duty for 14 days and a \$100 forfeiture of pay.


During the period from 21 January to 18 May 1983 you were the subject of various offenses that were referred for trial. The charges were two periods of failure to go to your appointed place of duty, larceny, theft of a gold watch valued at about \$312.70, assault with a 30 inch long 2x4 wooden board, wrongful possession and use of marijuana, and disobedience. However, the record does not reflect the disciplinary action taken, if any, for this misconduct. Shortly thereafter, upon completion of a medical evaluation on 8 June 1983, you were diagnosed with an inadequate personality and as drug dependent.

Subsequently, in August 1983, you were administratively processed for separation by reason of misconduct due to drug abuse. After consulting with legal counsel, you waived your procedural right to present your case to an administrative discharge board (ADB). Shortly thereafter, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 12 August 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, post service conduct, and desire to upgrade your other than honorable discharge. It also considered the character reference letters and background record check provided in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct which resulted in an NJP and referral for trial by court-martial. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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