



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: 05213-12
28 March 2013

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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 20 March 2013. 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 entered active duty in the Marine Corps on 7 January 1997, and served without disciplinary incident until 30 September 1997, when you received nonjudicial punishment (NJP) for wrongful use of a controlled substance (marijuana). You were recommended for separation with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived your rights to consult with counsel and an administrative discharge board (ADB). The separation authority approved the recommendation, and on 30 December 1997, you were separated with an OTH discharge due to misconduct (drug abuse) and an RE-4B (in service drug abuse) reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and claim that other Marines within your command were

also using drugs. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service due to your misconduct (drug abuse). Furthermore, the Board found you waived your right to an ADB, your best opportunity for retention, or a better characterization of service. Finally, you have provided no documentation to support your claim that other Marines were also using drugs without any repercussions. 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,



ROBERT D. ZSALMAN
Acting Executive Director