



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

TJR
Docket No: 6158-12
18 April 2013

[REDACTED]

Dear [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 April 2013. 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.

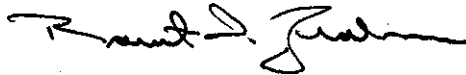
You enlisted in the Marine Corps on 29 May 1981 and immediately began a period of active duty. You served without disciplinary incident until 9 March 1982 when you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was reduction to paygrade E-1, correctional custody for 30 days, and a \$300 forfeiture of pay.

On 6 January 1983 you received NJP for wrongful possession of cocaine and were awarded a \$272 forfeiture of pay and correctional custody for 30 days. Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board, on 11 February 1983, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 16 March 1983 the discharge authority approved this recommendation and on 18 March 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 post service conduct, desire to change the characterization of your other than honorable discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your drug related misconduct, which resulted in two NJPs and your discharge. Finally, no discharge is automatically upgraded due solely to an individual's good post service conduct or the passage of time. 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,



ROBERT D. ZSALMAN
Acting Executive Director