



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

TJR  
Docket No: 3159-13  
3 March 2014



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 25 February 2014. 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.

Prior to your entry into the Marine Corps Reserve, you signed an enlistment contract in which you were advised that you "must" perform at least 90 percent of your assigned drills.

On 9 May 1984 you were granted an enlistment waiver for your pre-service drug use. As such, on 10 July 1984, you enlisted in the Marine Corps Reserve and began a period of active duty for training. On 7 January 1985 you were honorably released from active duty for training.

Your record contains documentation which reflects you were counselled for your repeated nonparticipation in assigned drills, specifically, you were absent from drills on numerous occasions during the period from July 1985 to April 1986. In accordance with the foregoing you failed to meet the requirements of your contract as stipulated above.

On 13 May 1986 a drug and alcohol report stated that your urine sample tested positive for the wrongful use of controlled substances. On 1 June 1986 you were referred for a medical evaluation to determine your fitness for duty. The medical report stated that you were under the influence of some substance, believed to be illegal drugs. At that time you were found to be unfit for further duty and recommended for an administrative separation.

As a result of the foregoing, you were notified, by certified and/or registered mail, of pending administrative separation action by reason of unsatisfactory participation and misconduct due to drug abuse. Subsequently, your commanding officer recommended discharge under other than honorable conditions due to unsatisfactory participation as evidenced by your nonparticipation in assigned drills and 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 30 September 1986, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your other than honorable discharge and assertion that you were drugged. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your failure to satisfactorily participate in the Marine Corps Reserve and drug abuse. Further, in the absence of any evidence that your failure to attend active duty was excused, and as such was in error, the Board concluded that sufficient evidence existed to support the discharge authority's decision. Finally, there is no evidence in the record, and you submitted none, to support your assertion of being drugged. 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