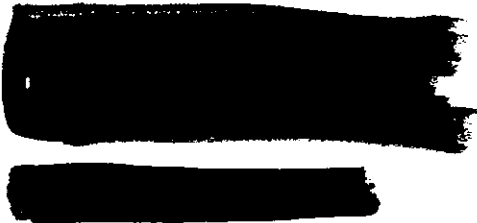




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 5386-13
21 May 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 14 May 2014. 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 reenlisted in the Marine Corps on 17 October 1980 after more than three years of prior honorable service. On 15 August 1983, you received nonjudicial punishment (NJP) for five instances of failure to obey a lawful regulation, and larceny of government property. On 19 August 1983 you were counseled after testing positive for the wrongful use of marijuana in a random urinalysis. You were advised that you were being processed for an expeditious discharge. On 9 September 1983, you received NJP for wrongful use of marijuana. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for separation by reason of misconduct (drug abuse). In connection with this processing, you would have acknowledged the separation action and the

separation authority would have approved a recommendation for separation. The record clearly shows that on 14 December 1983, you were discharged with an other than honorable (OTH) separation due to misconduct (drug abuse).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your characterization given the seriousness of your misconduct that resulted in two NJPs. 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