



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

BJG  
Docket No: 479-14  
9 December 2014

[REDACTED]

Dear [REDACTED]

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 9 December 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 28 July 2003. You received nonjudicial punishment for the wrongful use of cocaine. You were then advised that your command was administratively separating you with an other than honorable (OTH) characterization of service due to misconduct (unsatisfactory participation). You waived your procedural right to an administrative discharge board (ADB). On 11 May 2005, you received an OTH characterization of service discharge

due to misconduct, and were assigned an RE-4B (in-service drug use) reentry code. On 15 July 2013, the Naval Discharge Review Board denied your request to upgrade your characterization of service.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, post service good conduct, and current desire to upgrade your discharge so you are eligible for veterans' educational benefits. However, the Board concluded that your request should be denied due to your drug abuse. The Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. You are advised that no discharge is upgraded automatically due solely to the passage of time or post service good conduct. In view of the above, 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 J. O'NEILL  
Executive Director