



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 5762-09  
24 May 2010

[REDACTED]

[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 18 May 2010. 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 22 August 1986 at age 18 and served for two years and two months without disciplinary incident. However, on 5 October 1988, you received nonjudicial punishment (NJP) for failure to obey a lawful order. About seven months later, on 22 May 1989, you received NJP for wrongful use of marijuana. Shortly thereafter, on 12 September 1989, you were convicted by summary court-martial (SCM) of a 25 day period of unauthorized absence (UA) and wrongful use of marijuana.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. After waiving your procedural rights, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 3 November 1989, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that your discharge was the result of stress and immaturity. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct and lengthy period of UA which resulted in two NJPs and a SCM. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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,

  
W. DEAN PFEIFFER  
Executive Director