



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2565-99

6 September 1999

[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 1 September 1999. 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.

The Board found that you enlisted in the Marine Corps on 1 October 1981 for three years at age 18. The record reflects that you were advanced to LCPL (E-3) and served without incident until 31 August 1982 when you received nonjudicial punishment (NJP) for use of marijuana. Punishment imposed was a reduction in rank to PFC (E-2), forfeitures of \$309 per month for two months, and 30 days of correctional custody. However, you were advanced again to LCPL on 1 May 1983.

On 4 November 1983 you received a second NJP for possession of marijuana. Punishment consisted of a reduction in rank to PFC and forfeitures of \$320 per month for two months.

The discharge processing documentation is not on file in your record. However, the record does show that on 16 November 1983 the commanding officer recommended your discharge under other than honorable conditions by reason of misconduct due to drug abuse. The discharge authority directed discharge under other

than honorable conditions by reason of misconduct and you were informed that you were not recommended for reenlistment due to drug abuse. You were discharged under other than honorable conditions on 14 December 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, regret for the actions which led to your discharge, the letters of reference attesting to your academic achievements since your discharge, and the fact that it has been nearly 16 years since you were discharged. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of two NJPs for use or possession of marijuana. In this regard, the Board noted the aggravating factor that you were a repeat offender. This demonstrated a willful disregard for the Marine Corp's drug policy and discipline. It appeared to the Board you had to be aware of the consequences of further drug offenses, but failed to learn from your first disciplinary experience. The Board noted your academic achievements and pursuit of a masters degree, but concluded that it was not sufficient to warrant recharacterization. Absent evidence to the contrary, the Board concluded that the discharge was proper and no change is warranted. 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,

W. DEAN PFEIFFER
Executive Director