



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

TJR
Docket No: 181-01
11 June 2001

[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 5 June 2001. 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. In addition, the Board considered the advisory opinion provided by the Naval Medical Center, a copy of which is enclosed for your information.

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.

The Board found you reenlisted in the Marine Corps on 15 October 1976 after two years of prior honorable service. Your record reflects that you continued to serve without disciplinary incident until 23 March 1978 when you received nonjudicial punishment (NJP) for dereliction in the performance of your duties. The punishment imposed was extra duty for 30 days, an admonishment and a suspended reduction in rate.

Your record further reflects that on 14 November 1980 you were convicted by special court-martial (SPCM) of wrongful introduction and possession of marijuana, lysergic acid diethylamide (LSD), and a white powder with methamphetamine. You were sentenced to reduction to paygrade E-1 and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 3 December 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that your misconduct does not warrant a BCD. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your serious drug related misconduct. Given the circumstances of your case, the Board concluded your discharge was proper as issued 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