



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

TRG
Docket No: 243-01
20 April 2001

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 17 April 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.

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 12 June 1980 at age 17. you served without any disciplinary infractions until nearly 5 June 1981 when you received nonjudicial punishment for wrongful use of provoking words.

On 24 November 1981 you were referred for a medical evaluation at which time you admitted to using marijuana for 10 years and using it frequently while in the Marine Corps, the last time being 23 November 1981. The examining doctor was of the opinion that you were psychologically dependent on marijuana.

Based on the doctor's report, you were processed for discharge by reason of misconduct due to fraudulent enlistment. In connection with this processing, you elected to waive your procedural rights; however, you made a statement that you were told to lie about your drug use by your recruiter. In his letter recommending discharge, the commanding officer stated that your performance was marginal and that you had been counseled on numerous occasions. You were issued a general discharge on 6 April 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for a better discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your disciplinary record, marginal performance and especially your admission of marijuana use before and after you entered the Marine Corps. The Board concluded that the general 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