



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

TJR
Docket No: 2754-02
13 November 2002

[REDACTED]

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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 13 November 2002. 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 13 January 1982 at the age of 18 and served for nearly two years without disciplinary incident. However, on 9 January 1984 you received nonjudicial punishment (NJP) for wrongful use of cocaine and were awarded a \$384 forfeiture of pay, restriction for 21 days, and reduction to paygrade E-2.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 11 January 1984 your commanding officer recommended an other than honorable discharge by reason of misconduct. This recommendation stated, in part, as follows:

Although this was Member's first offense, the use of cocaine by a Marine will not be tolerated. His reluctance to abstain from drugs is unacceptable and is a detriment to good order and discipline.

On 19 January 1984 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 31 January 1984 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 immaturity, conduct and proficiency marks, and your contention that your discharge is a blemish that you should not have to bear for the rest of your life. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your drug related misconduct. 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