



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

FC
Docket No: 00812-03
8 September 2003

[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 4 September 2003. 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 14 February 1982 at age 17. On 12 May 1983 you received nonjudicial punishment (NJP) for absence from your appointed place of duty, and were awarded a forfeiture of pay.

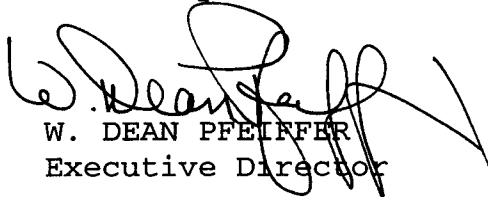
On 10 June 1983 your urine sample tested positive for drugs. On 22 June 1983 you received a second NJP for a 18-day period of unauthorized absence, and were awarded a reduction to paygrade E-2, forfeitures of pay, restriction, and extra duty. On 20 July 1983 you received a third NJP for disobedience, and were awarded a reduction to paygrade E-1 and forfeitures of pay. On 1 August 1983 you were counseled concerning your deficiencies in conduct and performance.

On 1 August 1983, you were notified of administrative separation processing and you waived all of your procedural rights. On 5 August 1983 the commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 15 August 1983, the staff judge advocate concurred with the recommendation of the commanding officer. On 19 August 1983, the separation authority directed that you be separated with an other than honorable discharge by reason of misconduct. On 2 September 1983, you were discharged under other than honorable conditions by reason of misconduct due to drug use and assigned a reenlistment code of RE-4.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the time that has passed since you were discharged from the Marine Corps. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your misconduct that resulted in three NJPs, and especially your use of drugs. 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