



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

FC
Docket No: 02673-03
29 August 2003

[REDACTED]

[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 27 August 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 15 July 1980 at age 17. On 17 August 1981 you were convicted by summary court martial (SCM) of disrespect, and were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-2, and a forfeiture of pay. On 4 February 1982 you received nonjudicial punishment (NJP) for assault and communicating a threat, and were awarded a reduction to paygrade E-1, forfeitures of pay, and restriction. On 26 March 1982, you were convicted by a second SCM for using cocaine, and were sentenced to confinement at hard labor for 30 days and a forfeiture of pay.

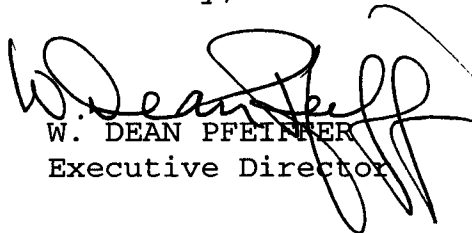
On 21 June 1982, a medical officer concluded that you were neither drug dependent nor in need of treatment. On 22 June 1982, the commanding officer recommended an administrative separation by reason of frequent involvement of a discreditable nature with military authorities. Although not in the record, it

appears that you waived all of your procedural rights. On 18 July 1982, the separation authority directed an other than honorable discharge by reason of frequent involvement of a discreditable nature and, on 18 August 1982, you were so discharged.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the length of time that has passed since you were discharged from the Marine Corps. The Board also considered the contentions you made in the statements you submitted with your application. However, the Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your frequent misconduct that resulted in two SCMs and an NJP, for offenses that included drug use. 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