



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

TJR
Docket No: 6458-07
13 May 2008

[REDACTED]

[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 6 May 2008. 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 27 February 1980 at age 17 and served for a year and two months without disciplinary incident. However, on 28 April and 9 October 1981, you received nonjudicial punishment (NJP) for disrespect and absence from your appointed place of duty.

On 15 November 1982 you received NJP for an 11 day period of unauthorized absence (UA), two periods of absence from your appointed place of duty, and wrongful use of marijuana. The punishment imposed was reduction to paygrade E-2, a \$642 forfeiture of pay, and restriction and extra duty for 30 days. Shortly thereafter, on 28 December 1982, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB).

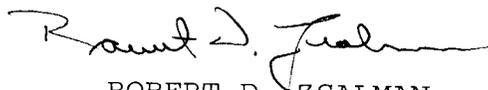
On 1 February 1983 an ADB recommended separation under other than honorable conditions by reason of misconduct due to drug abuse. Subsequently, your commanding officer also recommended separation under other than honorable conditions by reason of misconduct due to drug abuse. On 10 February 1983 the discharge authority approved these recommendations and directed an other than honorable discharge, and on 28 February 1983, you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, period of service without disciplinary incident, post service conduct, and the passage of time. It also considered your assertions of being made an example because of your drug use, being denied rehabilitation for a drug problem that developed while you were serving in the Marine Corps, and being falsely accused of 'trumped-up' charges of UA. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in three NJPs and included drug abuse. Further, there is no evidence in the record, and you submitted none, to support your assertions. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. 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,



ROBERT D. ZSALMAN
Acting Executive Director