



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

JRE  
Docket No. 09291-07  
29 July 2008



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 24 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

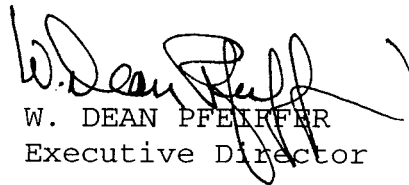
The Board found that you enlisted in the Navy on 1 August 1979. A medical record entry dated 1 September 1981 indicates that you had begun using marijuana while in boot camp, and that you stated that using marijuana relaxed you, especially when you felt "hyper". You underwent a pre-separation physical examination on 24 February 1982, and were found physically qualified for separation. You were discharged under other than honorable conditions on 11 March 1982 by reason of misconduct/drug abuse, based on your repeated wrongful use of

marijuana, for which you received nonjudicial punishment on two occasions, and were convicted by summary court-martial.

The available records do not corroborate your contention to the effect that you began using marijuana as a result of having been "molested" in boot camp. In addition, you have not demonstrated that you were unfit for duty by reason of physical disability. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge, 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