



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

SMW

Docket No: 10170-07

26 June 2008

[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 25 June 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.

On 31 March 1982, you reenlisted in the Marine Corps at age 21 after a prior period of honorable service. On 27 February 1984, you were counseled regarding improper handling of subordinates and warned that further infractions could result in disciplinary action or administrative separation. On 21 May 1984, you had nonjudicial punishment (NJP) for use of marijuana. On 26 May 1984, you were counseled regarding the Marine Corps policy on use of illegal drugs and warned that further infractions could result in disciplinary action or an other than honorable (OTH) discharge. On 24 August 1984, you had NJP for use of marijuana.

On 4 September 1984, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse. In connection with this processing, you acknowledged that separation could result in an OTH discharge and waived the

right to have your case heard by an administrative discharge board (ADB). On 3 October 1984, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 5 October 1984, you were so discharged.

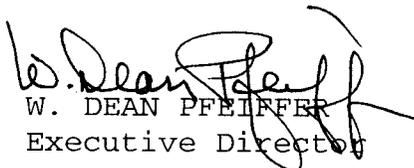
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your period of honorable service. The Board also considered your contention that you were never offered substance abuse treatment. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued after you were warned that further infractions could result in an OTH discharge. Regarding your contention, information currently contained in the record shows that your medical record was lost and reconstructed while you were in the service. Therefore, based on the information that is currently contained in the record, there is no evidence to show that you requested or received substance abuse treatment. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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.

The Board noted that as a result of your prior honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

The Board further noted that you may contact Headquarters Marine Corps (MMMA), 3280 Russell Rd., Quantico, Virginia 22134, to request verification and issuance of awards that you are eligible to receive.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director