



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 10971-07

19 August 2008

[REDACTED]

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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 12 August 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.

You enlisted in the Marine Corps Reserve on 10 July 1979. On 22 February 1980 you completed your initial period of active duty for training and were issued a DD Form 214 showing four months and 23 days of active service. Subsequently, you completed four periods of active training duty totaling about 52 days. On 1 April 1982 you were promoted to corporal.

On 26 March 1983, a Navy Drug Laboratory reported that a urinalysis showed that you had used marijuana. Based on the positive urinalysis, you were processed for an administrative discharge. An administrative discharge board (ADB) met on 12 June 1983 and found that the urinalysis was properly conducted and that you had used marijuana. IT was noted in the ADB report that you admitted using marijuana a couple of weeks prior to the urinalysis and that you desired to remain in the Marine Corps Reserve. The ADB recommended your discharge under other than honorable conditions. After review, the discharge authority directed discharge under other than honorable conditions and you were so discharged on 31 August 1983.

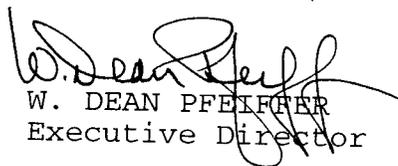
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your period of good service, your contention that you did not use drugs and that you

were innocent of the drug abuse charge. You state that you desire recharacterization of your discharge so that you can receive veterans' benefits. However, it is clear that you have insufficient active service to be eligible for benefits. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your positive urinalysis and your admission that you had used marijuana. 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.

Sincerely,


W. DEAN PFEIFFER
Executive Director