



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

TJR
Docket No: 2030-08
7 January 2009

[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, 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 January 2009. 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 8 July 1982 and served without disciplinary infraction until 21 April 1983, when you were convicted by special court-martial (SPCM) of wrongful possession of marijuana. You were sentenced to confinement at hard labor for one month and a \$350 forfeiture of pay.

On 31 May 1993 you were notified of pending administrative separation action under honorable conditions by reason of misconduct due to drug abuse. You waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. However, on 27 July 1983, the discharge authority directed a general discharge by reason of misconduct due to drug abuse, and on 5 August 1983 you were so discharged.

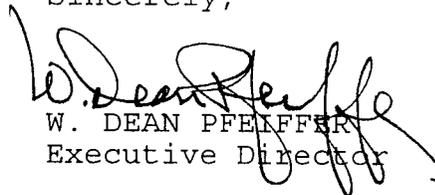
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion that because you were never found positive for illegal drug use, the

characterization of your discharge should be honorable. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your possession of marijuana. Finally, Sailors separated by reason of misconduct normally receive other than honorable discharges. As such, the Board noted that you were fortunate to receive a general discharge. 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