



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

TJR  
Docket No: 2032-08  
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 27 February 1982 and began a period of active duty on 2 June 1982. On 12 August and again on 27 September 1982 you received nonjudicial punishment (NJP) for failure to obey a lawful order and sleeping on post. About seven months later, on 25 April 1983, you received your third NJP for failure to obey a lawful order. Shortly thereafter, on 30 July 1983 you were indicted by foreign civil authorities on a drug charge. As a result, on 21 December 1983, you were convicted by civil authorities of violation of the Japanese Narcotic Control Law and sentenced to confinement for eight months. Nonetheless, the confinement was suspended for three years.

On 9 January 1984 you were notified of pending administrative separation by reason of misconduct due to the civil conviction. At that time 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 due to civil conviction. On 17 January 1984 the discharge authority approved this recommendation, and on 6 February 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct in a foreign civilian community and repetitive misconduct in the Marine Corps which resulted in three NJPs. 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