



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

CRS  
Docket No: 2083-08  
5 January 2009

[REDACTED]

[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 17 December 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps dated 22 July 2008, a copy of which is attached.

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. In this connection the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VA 22134-5103

IN REPLY REFER TO:

1800  
MMSR-5  
22 Jul 08

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR ADVISORY OPINION IN THE CASE OF FORMER PRIVATE [REDACTED]  
[REDACTED]

Ref: (a) Chairman BCNR ltr BJB:jdh Docket No: 02083-08 of  
10 Jul 08

1. The reference requests an advisory opinion on former Private [REDACTED] request to have his characterization of service changed from Other than Honorable to Honorable and to change his re-enlistment code from 4B to 1A in order to attempt to re-enlist.

2. Former Private [REDACTED] received Non-Judicial Punishment for his illegal drug use and was reduced to the rank of private first class. Subsequently, he was processed for administrative separation for illegal drug use. This resulted in his administrative separation on the basis of illegal drug use where he received an Other than Honorable characterization of service and further reduced to the rank of private. He was then separated with a re-enlistment code of 4B. Although former [REDACTED] current conduct is noteworthy, his separation and characterization of service is based on actions performed during his Marine Corps service.

3. Based on the above, this Headquarters recommends former [REDACTED] petition not receive favorable consideration.

4. Point of contact is Major Fenton at (703) 784-9306.

S. M. HANSCOM  
Head, Separation and  
Retirement Branch  
By direction of the Commandant  
of the Marine Corps