



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

SMS  
Docket No: 2859-08  
10 April 2009

[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 8 April 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 5 March 1990, you enlisted in the Marine Corps at age 18 after being granted a pre-service drug abuse waiver. On 28 March 1990, you had nonjudicial punishment (NJP) for two instances of failure to obey a lawful order. During the period 14 December 1990 to 28 March 1991, you participated in Operations Desert Shield and Desert Storm. On 13 September 1991, you had NJP for failure to go to your appointed place of duty. On 6 February 1992, you were counseled for having suicidal ideation. On 7 February 1992, a medical evaluation stated that you had been seeing a civilian psychiatrist during August 1991, were depressed, and had suicidal ideation and thoughts of self harm. On 19 February 1992, a psychiatric evaluation stated that you self referred because of chronic unhappiness and suicidal ideation. The evaluation found that you abused alcohol, diagnosed you as having an adjustment and borderline personality disorder, and concluded that you were potentially unsuitable for further service, but needed continued evaluation. On 28 February 1992, another psychiatric evaluation stated that you reported self injury and recurrent suicidal ideation, and restated the previous psychiatric evaluation findings and diagnoses. On 1 September 1992, your urinalysis tested positive for

marijuana. On 23 September 1992, you received a substance abuse evaluation and admitted using marijuana on 30 August 1992. On 30 September 1992, you had NJP for use of marijuana.

On 15 December 1992, 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 other than honorable (OTH) discharge and although you first elected to have your case heard by an administrative discharge board (ADB), you later waived that right. On 9 March 1993, the separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 19 March 1993, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that your constant pain and depression clouded your judgment. Nevertheless, the Board concluded that these factors and contention were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. The Board also noted that although you first elected to have your case heard by an ADB, you later waived that right, which was 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.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director