



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

RDZ:ecb  
Docket No. 05814-08  
26 February 2009



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 24 February 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.

You served on active duty in the Marine Corps from 2 July 1973 to 19 February 1976 and again from 20 February 1976 to 21 May 1981. At the end of each of these enlistments you received an honorable discharge. You reenlisted on 22 May 1981 for a term of three years at age 26. Although you were thoroughly familiar with the Marine Corps zero tolerance drug policy you were convicted by summary court-martial on 13 May 1983 of using marijuana between 18 January and 28 January 1983. On 8 December 1983 you received nonjudicial punishment for using marijuana during the period from 3 October to 3 November 1983. Based on

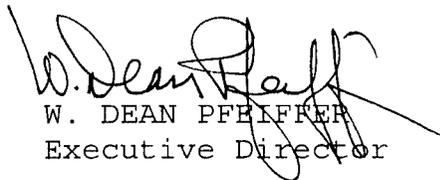
your repeated acts of drug abuse you were recommended for administrative separation with an other than honorable discharge (OTH). After being informed of the recommended action you waived your right to a hearing where with the assistance of a military lawyer you could have requested retention or a better discharge than the proposed OTH. Consequently you received an OTH on 30 April 1984.

In view of your repeated acts of serious misconduct which occurred after you were fully briefed on the Marine Corps' zero tolerance drug policy the Board concluded that your discharge was proper as issued and should not be changed now as a matter of clemency.

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