



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

REC
Docket No: 00368-09
6 November 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 23 October 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.

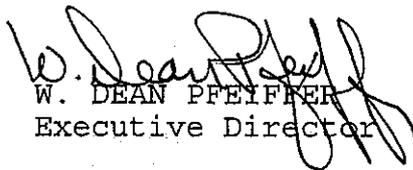
You enlisted in the Marine Corps on 22 January 1986. On 23 February 1988, you received nonjudicial punishment (NJP) for wrongful use of a controlled substance. On 12 December 1988, you received another NJP for wrongful use of a controlled substance. On 3 April 1989, you were sentenced at a general court-martial (GCM) for wrongfully introducing aboard the Marine Corps Air Ground Combat Center, Twentynine Palms, California 19.35 grams of marijuana, with the intent to distribute, wrongful use of marijuana and wrongful use of amphetamine and methamphetamine. You were sentenced to confinement for one year, a forfeiture of \$500 pay, and a bad conduct discharge (BCD). You received the BCD after appellate review was completed. You were so discharged on 2 April 1991.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of two NJP's for drug use, and conviction by GCM for drug use and possession with intent to distribute. 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