



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

TJR
Docket No: 1318-09
23 July 2009

[REDACTED]

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 21 July 2009. The names and votes of the members of the panel will be furnished upon request. 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 28 February 1983 at age 18 and began a period of active duty on 22 March 1983. You served for a year and three months without disciplinary incident, but during the period from 28 June to 17 September 1984, you received nonjudicial punishment (NJP) on three occasions for sleeping on post, failure to go to your appointed place of duty, making a false official statement, drunk and disorderly conduct, and two specifications of assault.

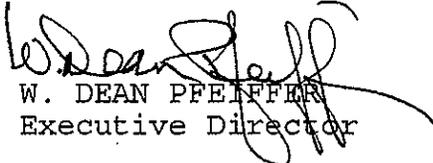
On 5 October 1984 you were diagnosed as alcohol dependent and began rehabilitation in a Level III program. However, on 4 January 1985, your treatment was terminated due to your wrongful use of cocaine. Shortly thereafter, on 10 January 1985, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative

discharge board (ADB). On 5 March 1985 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 8 March 1985 your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 25 March 1985 the discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 28 March 1985, 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, post service conduct, and your 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 alcohol and drug related misconduct which resulted in three NJPs and your failure of a Level III rehabilitation program. Accordingly, your application has been denied.

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