



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

SJN
Docket No: 03335-09
25 February 2010

[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 February 2010. 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 and began a period of active duty on 10 August 1989 at age 18. You served without incident for over three years until 8 January 1993, when you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 1 March 1993, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 23 April 1993, the ADB recommended separation with an other than honorable discharge by reason of misconduct due to drug abuse. On 18 May 1993, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. On 8 June 1993, the separation authority directed an other than honorable discharge by reason of misconduct due to drug abuse. On 18 June 1983 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and belief that your characterization of service would automatically be upgraded after six months. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your NJP for drug use. Finally, you are advised that there is no provision in law or Navy regulations that allow for recharacterization of discharges automatically after six months or due solely to the passage of time. 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