



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

RDZ:ecb  
Docket No. 04892-09  
24 June 2009

[REDACTED]

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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 17 June 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 enlisted in the Marine Corps on 9 June 2003. At that time you were fully briefed on the Marine Corps' zero tolerance drug policy. Unfortunately on 3 March 2006 you admitted to smoking marijuana prior to deployment to Iraq and then smoking marijuana and hashish while serving in Iraq. For these offenses you received nonjudicial punishment and were recommended for discharge under other than honorable conditions (OTH). When you were informed of your right to appear before an administrative discharge board where you would be represented by military counsel and where you could argue for retention or a better

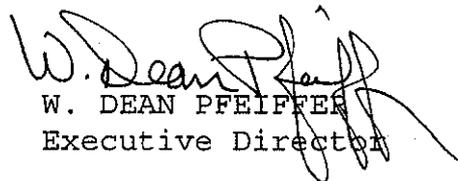
discharge you chose to waive your rights and accept an OTH. You were so discharged on 19 April 2006.

In its review of your discharge the Board concluded that in view of multiple instances serious misconduct (drug abuse) as well as your willingness to accept an OTH 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