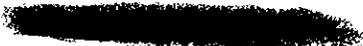




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 09027-09
14 June 2010



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 10 June 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 13 August 2008. You received nonjudicial punishment on four occasions during your enlistment, and you were convicted by summary court-martial. In addition, a random urinalysis conducted in 2006 resulted in your being identified as a drug abuser. You were discharged by reason of misconduct on 7 February 2007, with a discharge under other than honorable conditions, based on your extensive disciplinary record and drug abuse.

Although you had been found unfit for further service by reason of physical disability prior to your discharge, you were not transferred to the Temporary Disability Retired List because your discharge by reason of misconduct took precedence over that transfer. The Board did not accept your unsubstantiated contention to the effect that

your misconduct was caused by or related to or caused by your disability, or that you lacked responsibility for your actions. 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