



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

JRE
Docket No. 12563-09
14 June 2010

[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 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 22 November 1994. You underwent a pre-separation physical examination on 8 April 1997 and were found qualified for separation. At that time you completed a Report of Medical History in which you denied having a history of frequent trouble sleeping, depression or excessive worry, and nervous trouble of any sort. You were discharged by reason of misconduct/drug abuse on 25 April 1997, with a discharge under other than honorable conditions.

The Board was not persuaded that you were suffering from posttraumatic stress disorder during your period of service, or that you were unfit by reason of physical disability. You would not have been entitled to disability separation or retirement even if you had

been unfit for duty because your discharge by reason of misconduct would have taken precedence over disability evaluation processing. The Board also noted that you admitted that you had used marijuana because you preferred being discharged to being deployed with your unit.

In view of the foregoing, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge to honorable or general, 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