



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

REC
Docket No: 01202-10
4 November 2010

[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 3 November 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 24 November 1976. On 4 October 1977, you were counseled concerning your substandard hygiene. On 28 December 1977, you were counseled for the second time concerning your substandard hygiene. On 18 January 1978, you received counseling concerning your substandard performance of duty. On 10 June 1978, you received nonjudicial punishment (NJP) for wrongful possession of marijuana. On 15 August 1978, you were counseled for your frequent involvement with illegal drugs. On 30 August 1978, you received NJP for wrongful possession of marijuana seeds, and drug paraphernalia. On 1 November 1978, you failed your physical fitness test and were assigned to the physical development program. You were informed that you would receive an RE-3C reenlistment code at the expiration of your term of active obligated service since you were not eligible for reenlistment. The discharge authority directed a general discharge. You were so discharged on 8 December 1978.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of two NJP's for possession of drugs. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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