



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

TJR  
Docket No: 2655-10  
26 January 2011

[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 19 January 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 17 September 1982 at age 18 and served without disciplinary incident until 29 July 1983, when you received nonjudicial punishment (NJP) for two specifications of wrongful use of marijuana. The punishment imposed was a \$562 forfeiture of pay, extra duty and restriction for 45 days, and reduction to paygrade E-1.

On 2 and 16 July 1984 you were counselled regarding deficiencies in your performance and conduct, specifically, wrongful use, possession, and sale of marijuana, failure to go to your appointed place of duty, and exercising poor judgment. On both occasions you were advised that your continued misconduct could result in an administrative separation. On 30 July 1984 you were administratively reduced in paygrade to E-2 due to your incompetence. Shortly thereafter, on 8 August 1984, you were identified as a marijuana user and recommended for an administrative discharge. The recommendation stated, in part, that you had shown blatant disregard of the Marine Corps drug

policy, failed to conform to minimum standards, and had outlived your usefulness in the Marine Corps. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 17 August 1984 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 10 September 1984 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 23 February 1985, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct which resulted in NJP and repeated counselling. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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