



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

RDZ:ecb
Docket No. 03117-10
14 July 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 13 July 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 23 June 1997 for a term of four years. On 17 July 1997 you were fully briefed on the Marine Corps' zero tolerance drug policy and you certified you understood this policy. More specifically you were told that illegal drug usage would not be tolerated and routinely resulted in a recommendation for an other than honorable discharge (OTH). Unfortunately you received nonjudicial punishment (NJP) on 19 June 2000 for wrongful use of marijuana. When you were informed that you were being recommended for an OTH you waived your right to an administrative discharge board (ADB) where with the assistance of a military lawyer you could have asked to be retained on active duty or issued a better discharge. Consequently you received an OTH on 21 August 2000.

In its review of your case the Board concluded that in view of the seriousness of your offense which occurred after you were fully informed of the Marine Corps policy on drug abuse as well as your waiver to appear before an ADB 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