



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

SJN  
Docket No: 05089-10  
4 April 2011

[REDACTED]

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 29 March 2011. 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 16 February 1994. The Board found that based on the information currently contained in your record it appears that a background investigation found you failed to disclose your pre-service drug involvement. Subsequently, administrative discharge action was initiated to separate you by reason of fraudulent entry as evidenced by your concealment of your pre-service drug involvement. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be separated by reason of fraudulent enlistment. The separation authority concurred and you received an uncharacterized discharge on 3 November 1994.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and contention that your recruiter submitted a waiver on your behalf. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the fact that you failed to disclose your pre-

service drug involvement. Regarding your characterization of service, the Board noted that you were notified of your separation processing within 180 days of the beginning of your period of active service. Navy regulations authorize an uncharacterized entry level separation if the processing of a Sailor's separation begins within 180 days of his entry on active duty. Concerning your contention of a drug waiver being submitted on your behalf, there is no evidence in the record to support it, and you submitted no such evidence. 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