



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

REC
Docket No: 05787-10
16 March 2011

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. Newton:

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 16 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.

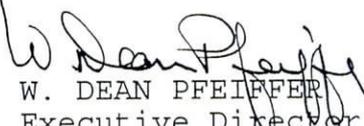
You reenlisted in the Marine Corps on 12 January 1983, after serving eight years honorably. On 17 January 1985, you were convicted by a special court-martial (SPCM) of being in an unauthorized absence status for six days, and the wrongful use of marijuana. You were sentenced to forfeitures of \$1,239, reduction in pay grade, and confinement at hard labor for three months. On 22 March 1985, administrative separation action was initiated by reason of misconduct for drug abuse. On 4 April 1985, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an other than honorable (OTH) discharge due to misconduct (drug abuse). Your commanding officer concurred with the ADB's finding and recommended that you be discharged under other than honorable OTH conditions by reason of misconduct (drug abuse). The discharge authority directed an OTH discharge by reason of misconduct for drug abuse. On 22 May 1985, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

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

honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge given your record of one conviction by SPCM of drug abuse, and other misconduct. An RE-4 reenlistment code is required when an individual is discharged due to misconduct such as drug abuse. 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