



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

CRS
Docket No: 8559-10
21 January 2011

[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 20 January 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 26 August 1996. On 30 October 1997 you were diagnosed as having an adjustment disorder with a depressed mood, and a personality disorder with borderline and histrionic traits. You received nonjudicial punishment on two occasions for an unauthorized absence and use of marijuana. On 15 October 1998 you were found to be drug and alcohol dependent and were offered treatment for drugs, which you declined.

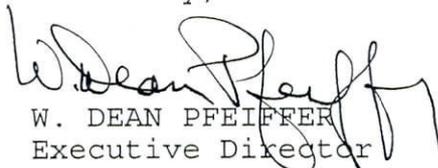
On 26 October 1998 your commanding officer recommended that you be separated from the Marine Corps with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. After review by the discharge authority, the recommendation for separation was approved and on 20 November 1998 you were separated by reason of misconduct with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall

record, as well as your contention that a mental disorder caused your misconduct. The Board concluded that those factors are insufficient to warrant recharacterization of your service or a change in reason for the discharge, given your involvement with illegal drugs. Further, there is no evidence which demonstrates that you suffered from a mental disorder that warranted a medical separation or retirement discharge. 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