



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

SJN
Docket No: 12201-10
31 August 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 30 August 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.

On 9 December 1981, you reenlisted in the Marine Corps after seven years of honorable service. The Board found that on 14 September 1983, you received nonjudicial punishment (NJP) for uttering worthless checks. On 5 June 1985, you were the subject of a urinalysis test which tested positive for marijuana. Administrative discharge action was initiated by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 31 July 1985, your commanding officer (CO) forwarded your case to the commanding general recommending separation. He stated, in part, that you had demonstrated a lack of desire to conform to the standards or acceptable discipline requirements established by the Marine Corps by your proven use of drugs. On 17 September 1985, an ADB found that you had committed misconduct due to drug abuse, and recommended discharge under other than honorable (OTH) conditions. Your CO concurred with the ADB and forwarded your case to the separation authority for review. On 24 September 1985, the discharge authority directed an OTH discharge by reason of misconduct due to drug abuse. On 30 September 1985 you were so discharged.

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 concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP and wrongful use of drugs. 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