



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

BAN
Docket No: 03935-11
14 June 2011

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 14 June 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.

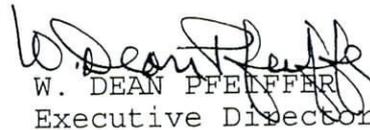
You entered active duty in the Marine Corps on 1 March 1988, and served without disciplinary incident until 18 January 1989, when you received nonjudicial punishment (NJP) for the wrongful use of a controlled substance (marijuana). Shortly thereafter, you received the following disciplinary actions: 26 April 1989, you received NJP for driving under the influence of alcohol for which you received Level II alcohol and substance abuse rehabilitation treatment; and on 9 August 1990, you were convicted at a special court-martial (SPCM) of the use of methamphetamines and amphetamines, and failure to obey a lawful order. Your sentence at the SPCM included a bad conduct discharge (BCD). You were offered alcohol and drug rehabilitation treatment again, but you refused. After appellate review, on 25 July 1994, you were separated with a BCD and an RE-4 reentry code.

The Board, in its review of your entire record and application,

carefully weighed all potentially mitigating factors, such as your youth and claims that the military judge erred in his decision, that the government failed to prove your guilt beyond a reasonable doubt, and the violations of the command urinalysis procedures. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Regarding your claims, the Board found no evidence in your record to support them, and you provided 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