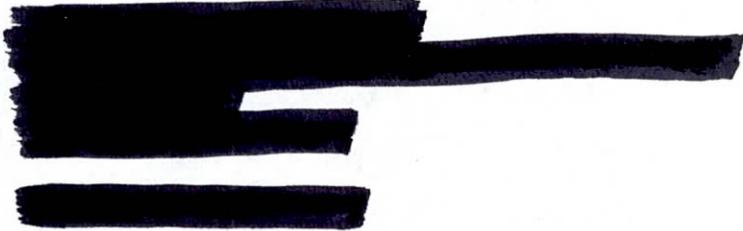




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TAL  
Docket No: 4340-11  
8 February 2012



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 2 February 2012. 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 30 June 1980 at age 19. You received nonjudicial punishment (NJP) on four occasions for failure to obey a lawful order, wrongful appropriation of a government vehicle and two instances of wrongful use of marijuana. You were counseled on several occasions regarding your misconduct and warned that further offenses could result in administrative separation. You were placed on the urinalysis surveillance program and the Unit Education Program. You were then notified that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) characterization of service due to misconduct (drug abuse). Based on the information currently contained in your record it appears that you elected to consult with legal counsel and subsequently requested an administrative

discharge board (ADB). An ADB found that you had committed misconduct and recommended that you be discharged under OTH conditions due to misconduct (drug abuse). On 29 March 1983, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. On 5 April 1983 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in four NJPs. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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