



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

SJN
Docket No: 04424-11
15 February 2012

[REDACTED]

[REDACTED]

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 14 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.

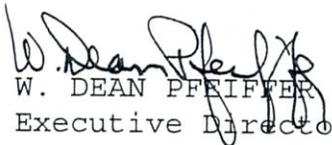
You enlisted in the Marine Corps and began a period of active duty on 19 October 1993. The Board found that on 10 November 1995, you were counseled regarding your behavior, and warned that further misconduct could result in administrative discharge action. On 1 December 1995, you received nonjudicial punishment (NJP) for nine days of unauthorized absence. On 3 April 1996, you were convicted by summary court-martial (SCM) of wrongful use of marijuana. You were sentenced to reduction in paygrade, a forfeiture of pay, and confinement. On 23 July 1996, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 21 August 1996, an ADB, found that you had committed misconduct due to a pattern of misconduct, and recommended discharge under other than honorable (OTH) conditions. Subsequently, your commanding officer

concurrent with the ADB and forwarded your case to the separation authority for review. On 11 October 1996, the separation authority directed an OTH discharge by reason of misconduct. On 24 October 1996 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, character letters, and impressive post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP, conviction by SCM of wrongful drug use, and the fact that you were counseled and warned before your first NJP of the consequences of further misconduct. 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