



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

SJN  
Docket No: 00202-12  
22 October 2012

[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 17 October 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.

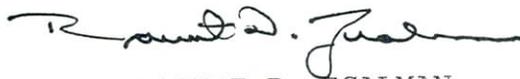
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps after receiving a drug abuse waiver and began a period of active duty on 21 May 1986. The Board found that on 30 March 1989, you received nonjudicial punishment (NJP) for wrongful use of amphetamine/methamphetamine. You received a reduction in paygrade and a forfeiture of pay. On 30 May 1989, you were convicted by summary court-martial (SCM) of two specifications of wrongful use of amphetamine/methamphetamine. You were sentenced to a forfeiture of pay, a reduction in paygrade, and confinement. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 6 October 1989, the ADB recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. On 31 October 1989, your commanding general concurred with the ADB's findings and directed an OTH discharge by reason of misconduct due to drug abuse. On 17 November 1989 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, and belief that you did not receive proper medical treatment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP and SCM conviction of wrongful drug use, and the fact that you received a drug waiver to join the Marine Corps. With regard to your medical treatment, the record is unclear, but it appears you may have been found to be dependent on drugs or alcohol because there is a service record entry signed by you and two witnesses, and that the provisions concerning treatment after discharge at a Department of Veterans Affairs (DVA) hospital for substance abuse problems were explained to you. The statement further states that you understood that you would have to request treatment in writing and had to agree to remain in the program for a minimum of 30 days. Further, that if you needed treatment after your discharge, you had to contact your local DVA representative within 30 days of your separation. 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,



ROBERT D. ZSALMAN  
Acting Executive Director