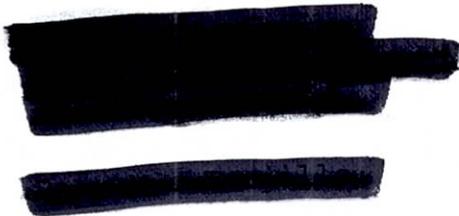




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 1629-12
5 December 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 28 November 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 reenlisted in the Marine Corps on 1 November 1995 after more than three years of prior honorable service. On 13 November 1995, your command received positive results for methamphetamine from a urinalysis taken by you on 30 October 1995. On 16 November 1995, you requested a special court-martial (SPCM). On 24 January 1996, the commanding officer withdrew the SPCM charge and you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 19 March 1996, an ADB voted two to one that you had committed misconduct and recommended that you be discharged under OTH conditions due to misconduct (drug abuse). Your

commanding officer concurred with the ADB and forwarded the recommendation to the separation authority. The separation authority approved the recommendation. On 20 June 1996, you received the OTH discharge for misconduct (drug abuse).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to your drug use. 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