



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

REC  
Docket No: 04035-12  
28 February 2013



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 27 February 2013. 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 on 3 September 1991, at age 18. On 23 March 1993, you received nonjudicial punishment (NJP) for uttering 16 worthless checks. On 23 March 1994, you received NJP for violating a written order and failure to dispose of an explosive device. On 28 March 1994, you received NJP for being absent from your appointed place of duty and wrongfully using provoking actions and words to a fellow Marine in a threatening manner. On 5 April 1994, you were convicted by a special court-martial (SPCM) of wrongful use of methamphetamine. You were sentenced to a forfeiture of \$554, reduction in pay grade, and confinement for 30 days. On 14 April 1994, administrative separation action was initiated by reason of misconduct (drug abuse). You waived your right to have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other

than honorable (OTH) conditions by reason of misconduct (drug abuse). On 22 June 1994, the discharge authority directed an OTH discharge by reason of misconduct (drug abuse). On 19 August 1994, you received the OTH discharge due to misconduct (drug abuse). At that time you were assigned an RE-4B reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of three NJP's and a conviction by a SPCM of wrongful use of methamphetamine. The Board noted that you waived your right to an ADB, your best opportunity for retention or a more favorable characterization of service. 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