



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

SJN
Docket No: 04888-12
27 March 2013

[REDACTED]

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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 26 March 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 and began a period of active duty on 11 January 1984. The Board found that on 20 February and 25 July 1986, you received nonjudicial punishment (NJP) for two instances of wrongful use of marijuana and seven periods of unauthorized absence (UA) totaling 10 days. On 17 July 1986, you began a period of UA that lasted nine days, ending on 10 August 1986. Additionally, an administrative remarks page dated 19 August 1985, states, in part, that during your UA status, you were apprehended by civil authorities and charged with attempted murder. At that time, you were released to military authorities pending charges. On 18 September 1986, you were convicted by special court-martial (SPCM) of 10 days of UA and wrongful use of cocaine. You were found guilty of the period of UA and not guilty to the wrongful use of cocaine. You were sentenced to confinement and a forfeiture of pay. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse based on your two NJP's involving the wrongful use of marijuana. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded

recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 9 October 1986, the discharge authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 24 October 1986.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, desire to change your characterization of service and reason for discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or changing the reason for your discharge given your two NJP's for wrongful drug use and SPCM conviction. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better 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,



ROBERT D. ZSALMAN
Acting Executive Director