



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

SJN

Docket No: 01901-13  
29 January 2014



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 January 2014. 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.

On 9 March 1990, you were granted an enlistment waiver for preservice wrongful use of marijuana. At that time, you signed a statement of understanding regarding the Marine Corps policy on illegal use of drugs. You enlisted in the Marine Corps and began a period of active duty on 5 June 1990. The Board found that on 15 June 1993, you received nonjudicial punishment (NJP) for wrongful use of amphetamine/methamphetamine. You received a forfeiture of pay, restriction, extra duty, and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. On 22 June 1993, medical personnel evaluated you and determined that you were a drug and alcohol abuser. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. 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 10 August 1993, the separation authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 27 August 1993.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your Desert Shield/Storm service, post service accomplishments, character letters, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your preservice drug waiver, the fact that you were briefed on the Marine Corps' policy regarding drug and alcohol abuse, and NJP for wrongful use of amphetamine/methamphetamine. 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