



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

TJR
Docket No: 474-13
24 October 2013

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 16 October 2013. The names and votes of the members of the panel will be furnished upon request. 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 1 August 1979 and began a period of active duty. You served for about seven months without disciplinary incident, but on 25 March 1980 you were convicted by summary court-martial (SCM) of wrongful use of marijuana, absence from your appointed place of duty, failure to go to your appointed place of duty, disrespect, and dereliction of duty.

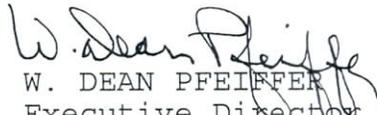
On 8 April 1982 you received nonjudicial punishment (NJP) for wrongful use of marijuana and failure to obey a lawful order. Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural right to consult with legal counsel and to present your case to an administrative discharge board (ADB), your commanding officer recommended discharge under other than

honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 11 June 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in NJP and an SCM, and included repeated drug abuse. Further, you were given an opportunity to defend your actions, but waived your procedural right to present your case to an ADB. Finally, no discharge is automatically upgraded due solely to the passage of time. Accordingly, your application has been denied.

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