



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

SJN  
Docket No: 6681-13  
30 July 2014

[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 29 July 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.

You enlisted in the Marine Corps and began a period of active duty on 27 October 1980. The Board found that on 28 November 1980, you received nonjudicial punishment (NJP) for two instances of disobedience. On 30 July 1981 and 13 January 1982, you were counseled regarding your unsatisfactory conduct, performance, unauthorized absence, and the Marine Corps' policy regarding wrongful drug use. On 18 August 1982 and 9 May 1984, you received NJP for wrongful possession of marijuana and drug paraphernalia. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. 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 21 June 1984, the separation authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 23 August 1984.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and letter from the Department of Veterans Affairs (DVA). Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, two of which involved the wrongful possession of marijuana and drug paraphernalia, and the fact that you were briefed on the Marine Corps' policy regarding drug abuse. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, the DVA upgraded your discharge status to "Honorable" in order for you to receive benefits only. This does not change or upgrade your original 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