



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

BJG
Docket No: 8237-13
4 September 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 4 September 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. In addition, the Board considered the report of the Naval Discharge Review Board (NDRB), dated 24 July 1997, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that 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 12 April 1992. You were counselled regarding being incapacitated for the performance of your duties and referred to Level III alcohol rehabilitation, which you completed. You also received nonjudicial punishment for the wrongful possession of lysergic acid diethylamide (LSD). You were reduced in rank from lance corporal to private first class (PFC). You were then advised that your command was processing you for administrative

separation with an other than honorable (OTH) characterization of service due to misconduct. You waived your procedural right to have your case heard by an administrative discharge board (ADB). On 15 May 1996, you received the OTH characterization of service due to misconduct, and were assigned an RE-4B (in-service drug involvement) reentry code. On 22 May 1997, the NDRB upgrade your characterization of service to general under honorable conditions

In its review of your application, the Board carefully considered all potentially mitigating factors, such as your youth, remorse, post service good conduct, and current desire to upgrade your discharge. The Board concluded, however, that your discharge should not be changed due to your drug possession. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. You are advised that no discharge is upgraded due merely to the passage of time or post service good conduct. Finally, your rank was PFC at the time of your discharge, so the Board had no basis to change your Certificate of Release or Discharge from Active Duty (DD Form 214). 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 J. O'NEILL
Executive Director

Enclosure