



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

BJG

Docket No: 9464-13  
26 February 2014

[REDACTED]

[REDACTED]

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 25 February 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. The Board also considered the report of the Naval Discharge Review Board (NDRB) dated 26 February 2009, 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. In this regard, the Board substantially concurred with the report of the NDRB.

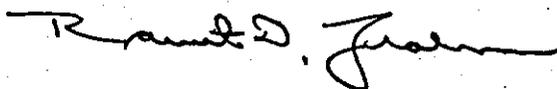
You enlisted in the Marine Corps and entered a period of active duty on 15 December 1999. You received nonjudicial punishment (NJP) for the wrongful use of cocaine. You did not appeal. You also had height and weight issues. Your command then notified you that you were being administratively separated with an other than honorable (OTH) characterization of service due to misconduct. You waived your procedural right to an

administrative discharge board (ADB). On 3 October 2003, you received the OTH characterization of service due to misconduct, and were assigned an RE-4B (in-service drug use) reentry code. On 26 February 2009, the NDRB upgraded your characterization of service to general under honorable conditions.

The Board, in its review of your entire record, carefully considered all potentially mitigating factors, such as your youth, post service good conduct, current desire to remove your NJP, and upgrade your discharge and reentry code. Nevertheless, the Board concluded that these factors were not sufficient to warrant removing your NJP or further upgrading your discharge or reentry code due to your drug abuse. Furthermore, the Board believed that considerable clemency was extended to you when the NDRB upgraded your characterization of service. Finally, the Board noted that you waived your right to an ADB, your best opportunity for retention or better characterization of service. You are advised that no discharge is automatically upgraded due merely to the passage of time or post service good conduct. In view of the above, 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

Enclosure