



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

JDR
Docket No: 8967-14
5 August 2015

Dear :

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 23 June 2015. 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.

Further, regarding your request for a personal appearance, be advised that Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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, began a period of active duty on 12 January 2009, and served without disciplinary incident for about three years. However, on 5 March 2012, you received nonjudicial punishment (NJP) for wrongful possession and use of methamphetamines. On 13 April 2012, you received a formal

counseling advising you of deficiencies in your performance and conduct due to unauthorized absence and failure to obey an order or regulation. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, your case was forwarded, recommending discharge under other than honorable (OTH) conditions by reason of misconduct due to drug abuse. The separation authority approved this recommendation and directed an OTH discharge. On 6 August 2012, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your discharge. The Board also considered your contention that the character of your discharge is honorable for Veteran's Administration purposes. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct which resulted in NJP for drug abuse and subsequent violations of the Uniform Code of Military Justice. In regard to your contention, the Board noted that your drug abuse precluded the issuance of a fully honorable discharge and you received the typed of discharge warranted by the record. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director