



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

BC
Docket No: 00254-14
12 March 2014



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 12 March 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.

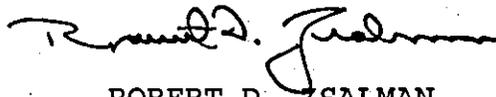
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 21 March 2007. Between 7 August 2009 and 13 January 2011, you received three counseling's concerning your behavior and failure to obey orders/regulations. On 4 May 2011, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status. On 13 March 2012, you received counseling as you provided a urine sample which tested positive for wrongful use of marijuana. Your chain of command chose not to pursue any disciplinary action. You received counseling informing you that you were not being recommended for promotion and that you would receive an RE-4B (in-service drug use) reentry code upon your separation, which you refused to sign. You were released from active duty with an honorable characterization of service on 20 March 2012.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors present in your case, such as your many years of honorable service and current desire to change your reentry code. However, the Board found those factors insufficient to warrant any change in your reentry code, given your incident of drug abuse. The Board also noted that you were fortunate to receive an honorable discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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