



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

SJN
Docket No: 3006-14
13 November 2014

[REDACTED]

Dear [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 4 November 2014. 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.

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 15 October 2007. On 8 December 2011, you received nonjudicial punishment (NJP) for wrongful possession of a controlled substance. Subsequently, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. After being afforded all of your procedural rights, your case was forwarded to the separation authority for review. On 27 June 2012, the separation authority directed that you receive a general discharge by reason of misconduct due to drug abuse. You were so discharged on 9 July 2012.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and belief that your characterization of service should be honorable base on the Department of Veterans Affairs (DVA). Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given

your NJP for drug abuse. The Board noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. With regard to your characterization of service with the DVA, this characterization does not change the fact that you received a general discharge due to misconduct. 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,

A handwritten signature in black ink, appearing to read "Robt O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director