



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

JDR
Docket No: 3988-14
26 March 2015



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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 March 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.

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 8 November 1983. On 15 November 1993, you tested positive for tetrahydrocannabinol (THC) after drug use testing was administered on 10 November 1983. Subsequently, administrative discharge action was initiated for fraudulent entry into military service. As such, you received an uncharacterized level separation on 20 December 1993.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change the narrative reason for your separation.

It also considered your contention that, prior to recruit training, you disclosed one instance of marijuana use on 3 October 1993. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant a change to the narrative reason for your separation. With regard to your contention that you disclosed the extent of your drug use, the Board noted that the record contains documented evidence which is contrary to your contention that you had only one instance of marijuana use. 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,



ROBERT J. O'NEILL
Executive Director