



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

SJN
Docket No: 0937-14
3 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 February 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 17 June 1983. Based on the information currently contained in your record, on 18 August 1983, your commanding officer (CO) recommended that you be separated from the service due to pre-service drug use, and testing positive for wrongful use of marijuana. However, you were retained on active duty, and counseled regarding the Marine Corps' policy regarding illegal drug use. During the period from 24 August 1984 to 14 July 1986, you received three nonjudicial punishments (NJPs) for two instances of wrongful use of marijuana, possession of drug paraphernalia, and failing to go to your appointed place of duty. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. Although the record is incomplete, in that it does not contain the documentation related to your separation, it appears that you waived your rights to consult counsel, submit a statement, or

have your case heard by an administrative discharge board (ADB). Your case was forwarded and the separation authority directed that you receive an OTH discharge by reason of misconduct. You were so discharged on 11 November 1986.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, medical issues, and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant changing your characterization of service given your three NJP's involving the wrongful use of drugs, and the fact that you were given an opportunity to earn a better characterization of service when you were retained in the service after testing positive during recruit training. 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