



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

[REDACTED]
Docket No. 3280-16
JAN 03 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 August 2016. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the United States Marine Corps and began a period of active duty on 11 October 2005. You served for two years, one month, and twenty-five days without any disciplinary incident, until 7 December 2007 when you were counseled for failing to report to your appointed place of duty. On 21 December 2007 you received nonjudicial punishment (NJP) for the offense of drunken or reckless driving. Several months later on 6 March 2008, you received another nonjudicial punishment (NJP) for the offenses of false official statement, assault, and unlawful entry. You were counseled from 7 March 2008 to 8 May 2008, regarding your recent nonjudicial punishment and warned about the consequences of further violations of the Uniform Code of Military Justice (UCMJ), your forcefully grabbing your ex-girlfriend by the wrist and tearing her cell phone in half, to keep your distance from your ex-girlfriend and to think before you act, and you were counseled for failing to follow your aftercare program in which you were instructed not to consume alcohol for the duration of your (aftercare program/military career, as you were diagnosed alcohol dependent by a medical officer). For each counseling session you were given, you had the opportunity to make a statement, and you chose not to make give a statement. On 30 July 2008, you were counseled for your wrongful drug involvement - (THC 15 ng/ml) usage. You were given the opportunity to make a statement, and you elected not to give a statement.

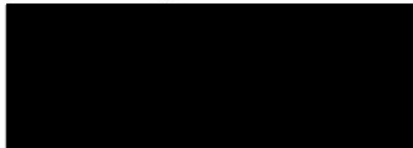
Your disciplinary misconduct continued when on 10 February 2009, you were convicted by a special court-martial (SPCM) for the offenses of one specification of unlawful use of marijuana,

one specification of wrongful use of Oxymorphone, a Schedule II controlled substance and an additional change and specification of wrongful use of marijuana. The sentence imposed was confinement for 120 days and to be discharge from the service with a bad conduct discharge (BCD). You received a BCD on 26 January 2010, after final appellate review.

Your application claims "I request to evaluate my discharge in order for the opportunity to reenlist. I have grown as a person since discharged and would like to resume my military career." The Board, in its review of your record and application, carefully weighed all potentially mitigating factors but concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of multiple misconduct, NJPs and SPCM conviction, and drug abuse. 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 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 this 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 large black rectangular redaction box covering the signature of the Executive Director.

Executive Director