



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

[REDACTED]  
Docket No: 3741-16/

NOV - 4 2016<sup>5662-14</sup>

[REDACTED]  
Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 25 June 2015, that your application had been denied. Your case was reconsidered in accordance with Board for Correction of Naval Records procedures that conform to Lipsman v. Secretary of the Army, 335 F. Supp. 2d 48 (D.D.C. 2004).

Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 22 June 2016. Documentary material considered by the Board consisted of your Application for correction of Military Record (DD Form 149), any material submitted in support of your application, and your prior case file.

After careful and conscientious consideration of the entire record, the Board determined your correspondence, even though not previously considered by the Board, was insufficient to establish the existence of material error or injustice. The Board determined your contentions that you were improperly processed for administrative separation and that your misconduct should not override your ability to perform your job in spite of your drug use were not enough to outweigh your significant misconduct. Processing a Marine for separation is mandatory for unlawful possession or use of illegal drugs. The Board noted that the record contains documented evidence which is contrary to your contention, which shows that you were notified of and waived your procedural right to present your case to an administrative board (ADB). In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regrettable 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 record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,



Executive Director