



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

[REDACTED]
Docket No: 3876-16
MAY 29 2017

[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.

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 6 February 2017. 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.

You began a period of active duty in the Marine Corps on 30 November 1979. You served without disciplinary incident for over three years. On 2 January 1983, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 31 January 1983, your commanding officer reported your misconduct of drug abuse and you were notified of administrative separation proceedings. You elected to consult with counsel and your record indicates that you met with [REDACTED] JAGC, USNR. On 11 February 1983, the staff judge advocate reviewed your administrative separation proceedings for legal sufficiency; on 16 February 1983, you were discharged from the Marine Corps with an other than honorable characterization of service.

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. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors. The Board considered your request for an upgrade to your other than honorable characterization of service on the assertion that you were not offered legal counsel. The Board found that you were afforded the right to meet with an attorney, and that your record indicates that you consulted with qualified Navy counsel. Based on your record of the meeting

with [REDACTED] JAGC, the Board found that you were not denied your procedural rights during the administrative separation. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. 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,

[REDACTED]

Executive Director