



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

Docket No. 6948-16
NOV 28 2017

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 September 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, relevant portions of your naval record and applicable statutes, regulations and policies.

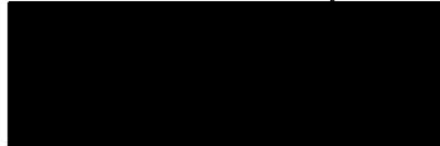
You enlisted in the Marine Corps and began a period of active duty on 30 March 2000. On 21 August 2000, your command performed a unit sweep urinalysis test and your results were positive for marijuana use. On 27 October 2000, you signed a refusal for an evaluation for drug rehabilitation after previously signing acknowledgement that alcohol and drug rehabilitation treatment is available to you and required. On 30 October 2000, you were convicted at a summary court martial (SCM) for wrongful use of marijuana. As a result of the foregoing, administrative discharge processing was initiated. The separation authority directed that you be separated with an Other Than Honorable (OTH) characterization of service by reason of misconduct due to drug abuse. On 14 December 2000, you were discharged with an OTH characterization of service.

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. The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and your contention that your discharge was unfair because you should have had a civilian lawyer, you were punished twice for one offense, you should not have received brig time, loss of pay and loss of rank and a discharge, you admitted drug use

before entry into the USMC, and drug counseling should have been offered in basic training. You also contend that it was improper that your discharge be based solely on drug related conduct and that your drug use was always off duty and off base. The Board concluded these factors were not sufficient to warrant relief in your case, because no error or injustice was identified in its review of your record. 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director