



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

[REDACTED]
Docket No: 7168-16

NOV 28 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 4 October 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 16 July 1981. On 29 December 1982, you made a self-referral to speak with a mental health provider because of authority conflicts and moderate marijuana use. You were advised you needed to be more aware of your responsibilities and to exercise more to relieve tension which caused your faulty judgement and aggressive actions. It was also recommended you attend three Narcotics Anonymous (NA) meetings per week for 90 days to see if you really had a problem with marijuana. You served for about a year and five months without disciplinary incident, but during the period from 4 January 1983 to 29 June 1983, you received nonjudicial punishment (NJP) and were convicted by summary court-martial (SCM). Your offenses were wrongful possession of marijuana and drug paraphernalia, failure to obey a lawful written order by possession of an open container of alcohol in a motor vehicle, wrongful possession of alcohol while under age 21, and insubordinate conduct toward a noncommissioned officer. On 3 August 1983, you tested positive for wrongful use of marijuana. Subsequently, you were notified of pending administrative separation by reason of misconduct due to drug abuse at which time you waived your procedural right to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of

misconduct due to drug abuse. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 13 October 1983, you were discharged.

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 carefully weighed all potentially mitigating factors, and your contention that you recognized you had a problem and referred yourself to psychiatry seeking help. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in an NJP, an SCM and wrongful drug use in light of the Marine Corps' policy of "zero tolerance." Further, you were given an opportunity to defend your actions, but waived your procedural rights. 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,



Executive Director