



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

Docket No. 7721-16
DEC 19 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 3 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 re-enlisted in the Marine Corps on 3 December 1982. Since your re-enlistment you served for a year and five months without disciplinary incident, but on 15 May 1984, a random drug urinalysis revealed your positive results for wrongful use of cocaine. You received nonjudicial punishment (NJP) on 7 June 1984 for knowingly and wrongfully use of cocaine. Subsequently, you were notified of pending administrative separation by reason of misconduct due to drug abuse at which time you elected to consult with counsel. Although the Board lacked your entire separation paperwork in your service record book (SRB) it appears from the SRB entries before the Board that you were subsequently involuntarily processed for separation by reason of misconduct due to drug abuse. In connection with this processing, you would have acknowledged the separation action and the separation authority would have approved a recommendation for separation. The record clearly shows that on 16 August 1984, you were discharged with an other than honorable (OTH) separation due to misconduct of drug abuse.

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 contentions that you are requesting clemency based on your overall record during your first period of enlistment, your medical condition where you are currently a quadriplegic who is wheel chair bound and your

desire to redeem your legacy as a Marine to your two sons. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in your NJP and wrongful drug use in light of the Marine Corps' policy of "zero tolerance." 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