



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 1876-99  
8 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 May 2000. 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.

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 found that you enlisted in the Marine Corps on 2 July 1979 at age 18. The record reflects that you received four nonjudicial punishments and were convicted by a summary court-martial. The offenses included absence from your appointed place of duty on five occasions, disrespect on two occasions, assault on two occasions, use of marijuana, and failure to carry an identification card. On 21 March 1983 your urinalysis test was positive for phenobarbital.

While your record does not contain the separation processing documents, it appears that the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to drug abuse and, after review by the discharge authority, the commanding officer's recommendation for separation was approved. The record clearly shows that you were discharged with an other than honorable discharge by reason of misconduct on 17 June 1983.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity and good postservice conduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your frequent misconduct and especially your use of drugs. Therefore, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted 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 or other matter 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,

W. DEAN PFEIFFER  
Executive Director