



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

TJR
Docket No: 7792-01
15 May 2002

[REDACTED]

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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 14 May 2002. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 8 June 1981 at the age of 17. Your record reflects that on 4 February 1982 you were convicted by summary court-martial (SCM) for possession of marijuana and sentenced to a \$367 forfeiture of pay, reduction to paygrade E-1, and confinement at hard labor for 30 days.

During the period from 3 January to 24 February you received nonjudicial punishment (NJP) on three occasions for absence from your appointed place of duty, failure to obey a lawful order, breaking restriction, and disobedience. On 7 March 1983 you were convicted by SCM of breaking restriction and sentenced to confinement at hard labor for a month, reduction to paygrade E-1, and a \$191 forfeiture of pay. On 31 May 1983 you were again convicted by SCM of a 29 day period of unauthorized absence (UA). You were sentenced to a \$372 forfeiture of pay and confinement at hard labor for 30 days.

On 5 July 1983 you were notified of pending administrative separation action by reason of misconduct. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 18 August 1983 your commanding officer recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct as evidenced by your failure to conform. On 8 July 1983 the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 29 August 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and character reference letters. The Board also considered your contentions that your ability to serve was impaired by your personal problems and drug and alcohol abuse; that had you received proper counselling for your drug and alcohol abuse, you would not have received a discharge under other than honorable conditions; and that your disciplinary infractions were mostly minor in nature. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive drug related misconduct. 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