



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

ELP
Docket No. 259-02
17 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 Navy Records, sitting in executive session, considered your application on 15 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 25 November 1983 for four years at age 19. The record reflects that you were advanced to to PFC (E-2) and served for six months without incident. However, during the two month period from May to June 1984 you received three nonjudicial punishments (NJP) for three instances of failure to go to your appointed place of duty and use of marijuana.

On 3 August 1984 you were notified that you were being recommended for discharge by reason of misconduct due to a pattern of misconduct and drug abuse. You were advised of your procedural rights and that the discharge if approved could be under other than honorable conditions. You declined to consult with legal counsel but elected to present your case to an administrative discharge board (ADB). The ADB is not on file in the record.

On 22 August 1984 you received a fourth NJP for failure to go to morning formation and to a dental appointment.

On 29 August 1984 the staff judge advocate reviewed the proceedings and found them to be sufficient in law and fact. He noted that the battalion commander recommended an other than honorable discharge, but the ADB recommended a general discharge and that it be suspended for a period of 12 months. The SJA recommended an unsuspended separation. The discharge authority directed separation with a general discharge on 31 August 1984. However, you were in an unauthorized absence status from 6-19 September 1984. On 19 September 1984 you were separated with a general discharge by reason of misconduct due to drug abuse.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, your employment as a registered nurse, and the fact that it has been nearly 18 years since you were discharged. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of four NJPs, one of which was for drugs. The Board believed that you were fortunate that the ADB recommended a general discharge since most individuals, even with one drug offense, are discharged under other than honorable conditions. Your desire to reenlist or work for a Department of Veterans Affairs hospital does not provide a valid basis for recharacterizing service. The Board concluded that the reason for discharge and characterization were proper and no change 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