



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

TRG
Docket No: 7093-01
28 February 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 of the 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 26 February 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 for four years on 20 August 1981 at age 18. During 1982 you were counseled on two occasions concerning your poor attitude and job performance. On 20 May 1983 you received nonjudicial punishment for seven instances of failing to go to your appointed place of duty.

On 5 October 1983, a Navy drug laboratory reported that a urinalysis showed that you had used marijuana. At that time, you were placed on a urinary surveillance program. On 7 October 1983 you received nonjudicial punishment for use of marijuana. On 1 November 1983 the drug laboratory reported that a urine sample of 3 October 1983 had tested positive for cocaine.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct due to drug abuse. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 7 December 1983, the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. The next day you accepted an opportunity for

for treatment of your psychological dependence on drugs at a Department of Veterans Affairs (DVA) Hospital, prior to discharge.

There is then an unexplained gap in your record until 28 March 1984. On that date, you reversed your earlier decision and stated that you no longer desired treatment by the DVA. The DD Form 214 is not filed in your record, however, other entries show that you were discharged under other than honorable conditions, on 6 April 1984.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and length of service. The Board also considered your contention that the drug abuse was an isolated incident and you were not drug dependent. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record, use of marijuana, and use of cocaine while in a surveillance program. The Board concluded that the discharge was proper as issued 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