



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

TJR
Docket No: 3831-01
11 February 2002

[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 5 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps Reserve on 9 February 1984 at the age of 18. Your record reflects that on 16 August 1984, upon completion of your required active service, you were honorably released from your initial tour of active duty training and assigned to the a reserve unit.

On 20 December 1984 you were counselled regarding your immature attitude and not being able to adapt to the Marine Corps way of life. At that time you complained of weight loss, an inability to sleep prior to drill weekend, and a nervous condition, all of which you claimed resulted from being in the Marine Corps. You also stated that you thought of the Marine Corps as killers, and could not mentally cope with being a killer. Even after receiving psychiatric assistance and being moved to a less stressful position to help alleviate your problems, you opted to stop participating in drills.

Your record contains an administrative remarks entry dated 18 February 1985, which noted, in part, that while you were in an unauthorized absence (UA) status, a letter was sent to you

regarding your unsatisfactory drilling performance and the consequences of not maintaining a satisfactory drill status.

On 9 April 1985 you were notified that you were to be administratively separated with a "general other than honorable" discharge by reason of misconduct due to drug abuse as evidenced by a random urinalysis test which was conducted on 6 January 1985. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board and to submit a statement in rebuttal to the discharge. On 18 June 1985 your commanding officer recommended you be issued a "general other than honorable" discharge by reason of misconduct due to drug abuse. However, on 3 July 1985, the discharge authority directed your commanding officer to separate you by reason of misconduct due to drug abuse with an other than honorable discharge because a "general other than honorable" discharge did not exist. On 9 July 1985 you received an other than honorable discharge by reason of misconduct due to drug abuse and were assigned an RE-3B reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you served honorably during your tour of active duty. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation or reenlistment code because of your drug related misconduct and your failure to maintain a satisfactory drilling status. Given all the circumstances of your case, the Board concluded your discharge, narrative reason for separation, and reenlistment code were proper as issued and no change is warranted. Although a reenlistment code should not be assigned to a reservist, the Board concluded that assignment of such a code to you was harmless error, and it would have been appropriate not to recommend you for reenlistment, and the adverse reenlistment code has the same meaning. Further, the Board noted the letter from the Marine Corps dated 5 April 2001, which noted, in part, that the RE-3B reenlistment code is not binding upon other services, who have the option of accepting or rejecting an applicant. 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