



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

TJR
Docket No: 3670-02
13 November 2002



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 13 November 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 23 June 1982 at the age of 22 and served for nearly a year without disciplinary incident. However, on 23 May 1983 you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded a \$300 forfeiture of pay, extra duty for 30 days, which was suspended for three months, and reduction to paygrade E-1.

On 19 February 1985 you received NJP for wrongful use of marijuana. The punishment imposed was reduction to paygrade E-2, a \$640 forfeiture of pay, and restriction and extra duty for 30 days.

Subsequently, you were processed for an administrative separation action by reason of misconduct due to drug use. After being advised of your procedural rights, you elected to waive the rights to consult with counsel and present your case to an administrative discharge board. Your commanding officer then recommended an other than honorable discharge by reason of

misconduct due to drug abuse. The discharge authority approved this recommendation and directed separation under other than honorable conditions, and on 12 June 1985 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, conduct and proficiency marks, and your contention that clemency is warranted because it is an injustice for you to continue to suffer the adverse consequences of your other than honorable discharge. It further considered your contentions that you were not medically qualified to serve in the Marine Corps due to your shaving problems, and that you should have received a medical or general discharge. Although the record indicates that you were diagnosed with pseudofolliculitis barbae, you were also advised how to treat this disorder. It did not disqualify you from serving or warrant a medical discharge. The Board concluded that the facts and circumstances were not sufficient to warrant recharacterization of your discharge because of your repeated 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