



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

WMP

Docket No: 5130-02  
11 December 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 4 December 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.

The Board found that you reenlisted in the Marine Corps on 22 December 1982 for five years, after more than two years of prior active service. Your record reflects that you served without incident until 23 September 1983 when you received nonjudicial punishment (NJP) for conspiracy, reckless driving, false official statement, and damage to government property. The punishment imposed was forfeitures of \$100 per month for two months, 30 days of extra duty, and reduction to paygrade E-3. The reduction was suspended for a period of six months.

The record further shows that you received NJP on 11 September 1984 for a seven day period of unauthorized absence, from 30 August to 6 September 1984. The punishment imposed was reduction to paygrade E-3. On 11 June 1985 you again received

NJP for wrongful use of marijuana. The punishment imposed was reduction to paygrade E-2 and a forfeiture of \$200.

On 1 July 1985, you were notified that separation action was being initiated by reason of misconduct due to a pattern of misconduct. You were advised of and waived all of your procedural rights with the exception of obtaining copies of documents which supported the basis for separation.

On 8 August 1985 the administrative separation action was forwarded to the discharge authority, recommending an other than honorable discharge. On 14 August 1984, the discharge authority directed discharge under other than honorable conditions, and on 6 September 1985 you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and almost three years of prior honorable service. However, the Board found that the other than honorable discharge was appropriate, based on your three NJP's and use of marijuana. 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