



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3268-13
3 March 2014

[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 25 February 2014. The names and votes of the members of the panel will be furnished upon request. 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 and began a period of active duty on 1 February 1980. You served for over two years without disciplinary incident, but during the period from 16 June to 14 October 1983, you received nonjudicial punishment (NJP) on two occasions and were also convicted by summary court-martial (SCM). Your offenses were two specifications of wrongful use of marijuana, two specifications of failure to obey a lawful order (driving on a revoked license and wrongful possession of drug paraphernalia), and driving while intoxicated.

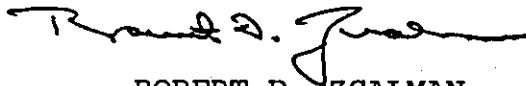
Subsequently, you were notified of administrative separation by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 25 November 1983 an ADB recommended separation under other than honorable conditions by reason of misconduct due to drug abuse. Shortly thereafter, on 28 December 1983, your commanding officer, in concurrence with

the ADB, also recommended separation under other than honorable conditions by reason of misconduct due to drug abuse. On 3 January 1984 the discharge authority approved these recommendations for separation and directed an other than honorable discharge by reason of misconduct, and on 9 January 1984 you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct which resulted in two NJPs and an SCM. Accordingly, your application has been denied.

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,



ROBERT D. ZSALMAN
Acting Executive Director