



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

BJG  
Docket No: 6338-13  
18 June 2014

[REDACTED]

[REDACTED]

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 17 June 2014. 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.

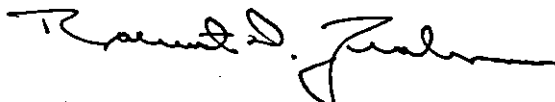
You reenlisted in the Marine Corps on 16 October 1981 after more than two years of prior honorable service. You received nonjudicial punishment on two occasions for failure to obey a lawful order and the wrongful use of marijuana. You also tested positive twice in urinalyses for the wrongful use of marijuana for which no disciplinary action was taken. You were then notified that you were being administratively separated with an other than honorable (OTH) characterization of service due to misconduct (drug abuse). You waived your procedural right to an administrative discharge board (ADB). You then entered a period

of unauthorized absence (UA) that lasted 190 days. When your UA period ended, you requested an under conditions OTH discharge for the good of the service to avoid trial by court-martial for the period of UA totaling 190 days. At that time, you consulted with qualified military counsel and acknowledged the adverse consequences of receiving such a discharge. The separation authority approved your request for an under conditions OTH discharge. However, since your earlier administrative discharge had been approved, on 12 February 1985, you were separated with an under conditions OTH discharge for misconduct (drug abuse), and assigned an RE-3B (in-service drug use) reenlistment code.

The Board, in its review of your entire record, carefully considered all potentially mitigating factors, such as your youth, post service good conduct, desire to upgrade your discharge, and remove the absent without leave (AWOL) references. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge or remove the AWOL references due to your period of UA that totaled more than three months and drug abuse. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. You are advised that no discharge is automatically upgraded due merely to the passage of time or post service good conduct. In view of the above, 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,



ROBERT D. ZSALMAN  
Acting Executive Director