



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

Docket No. 7641-16
DEC 19 2017

Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

Prior to your enlistment you signed a statement of understanding of the Marine Corps policy concerning illegal drugs. You enlisted in the Marine Corps and began a period of active duty on 20 May 1998. You served for about eight months and twenty two days without disciplinary incident, but on 28 August 1998, a random drug urinalysis revealed your positive results for wrongful use of cocaine and you received nonjudicial punishment (NJP) as a result on 8 December 1998 for wrongful use of a controlled substance being cocaine. Subsequently, you were notified of administrative separation by reason of misconduct due to drug abuse at which time you elected to consult with counsel and waived your procedural right to present your case to an administrative discharge board (ADB). Your Commanding Officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct of drug abuse, and on 29 January 1999, you were so discharged.

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 carefully weighed all potentially mitigating factors and your contention that you feel that the Board should upgrade your discharge on the basis of your overall record, specifically graduating boot camp as company honor man along with your post service good behavior.

The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in your NJP and wrongful drug use in light of the Marine Corps' policy of "zero tolerance." Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director