



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

[REDACTED]
Docket No: 7950-17

MAY 01 2019

[REDACTED]
Dear [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. 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. Consequently, your application was denied.

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. Your request was carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 7 January 2019. 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.

You enlisted in the Marine Corps and began a period of active duty on 17 June 1982. On 27 February 1984, you received nonjudicial punishment (NJP) for unauthorized absence. On 4 February 1986, you received NJP for use of marijuana and disrespect to a non-commissioned officer (NCO). Subsequently, you provided a urine sample that tested positive for the metabolites of marijuana. On 2 April 1986, administrative discharge action was initiated by reason of misconduct due to drug abuse, and you were advised you could receive an other than honorable (OTH) characterization of service. After consulting with counsel, you waived your rights, and your case was forwarded to the separation authority with the recommendation that you be discharged with an OTH characterization of service. The separation authority concurred with your commanding officer's recommendation and directed that you be discharged with an OTH characterization of service. On 22 April 1986, you were discharged with an OTH characterization of service.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, and your assertions that your misconduct resulted from addiction, and that the standards for treating addiction and dealing with substance-abuse-related misconduct have changed since then. The Board also considered your assertion that you didn't receive proper assistance in ensuring a successful enlistment. The Board, however, concluded that these factors and assertions were not sufficient to warrant a change to your discharge given your misconduct, which resulted in two NJPs. The Board noted that you waived your right to have your case heard before an administrative discharge board. The board also noted that the record contains no evidence, and you submitted none, to support your assertions.

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 matters. New matters are those not previously presented to or 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,



Executive Director