



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

TRG
Docket No: 1642-02
23 October 2002

[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 22 October 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.

You enlisted in the Marine Corps on 27 May 1968 at age 17. The record shows that you received nonjudicial punishment on 8 January 1969 and 12 February 1970 for an unauthorized absence of about nine days and failure to go to your appointed place of duty. Additionally, you served in Vietnam and were awarded the Combat Action Ribbon.

You were processed for discharge because of your possession of 53 marijuana cigarettes and 15 tablets containing either secobarbital or amobarbital. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharged board. On 6 July 1970, the discharge authority approved the recommendation of your commanding officer that you be discharged for unfitness with an undesirable discharge. You were so discharged on 17 July 1970.

Subsequently, the Naval Discharge Review Board (NDRB) recharacterized your discharge to general. A DD Form 214 has been issued to show this change in the characterization of your service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and contentions that you were not guilty of the offenses and have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge or to change the reason for your discharge, given the nonjudicial punishment and especially the evidence indicating that you were in possession of drugs. The Board also noted that you did not contest the discharge processing. The Board believed that considerable clemency was extended to you when your discharge was recharacterized to general by action of the NDRB, and a further recharacterization to honorable is not warranted.

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