



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

TJR
Docket No: 2289-99
5 August 1999

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 August 1999. 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.

The Board found you enlisted in the Marine Corps on 1 September 1967 at the age of 17. Your record reflects that on 2 August 1968 you were convicted by special court-martial (SPCM) of a 71 day period of unauthorized absence (UA), breach of peace, and disobedience. You were sentenced to confinement at hard labor for three months and forfeitures totalling \$100. On 22 October 1968 you received nonjudicial punishment (NJP) for wrongful urination in a general issue (GI) can. The punishment imposed was forfeiture totalling \$20. On 15 August 1969 you were convicted by summary court-martial (SCM) of disobedience and sentenced to forfeitures totalling \$50.

Your record further reflects that on 7 October 1969 you were apprehended by military authorities for possession of 200 marijuana cigarettes. Subsequently, you were notified of pending separation action by reason of unfitness. At this time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 12 October

1969 your commanding officer recommended you be issued an undesirable discharge by reason of unfitness. On 30 October 1969 the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an undesirable discharge by reason of unfitness due to drug abuse. On 4 November 1969 you were issued an other than honorable discharge by reason of unfitness to due drug abuse.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contentions that you would like your discharge upgraded and to continue in a drug rehabilitation program and go to computer school. The Board also considered your contention that you were told that your discharge would be changed after you returned to the United States. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your drug related misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is 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