



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2384-99

2 September 1999

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 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 29 January 1971 at the age of 17. Your record reflects that on 9 August 1971 you began a 34 day period of unauthorized absence (UA) that was not terminated until 11 September 1971. On 15 September 1971, after undergoing a psychiatric evaluation for drug intoxication, you were diagnosed with an immature personality and drug abuse. At this time you were granted exemption from disciplinary action or administrative processing under other than honorable conditions in accordance with Commandant Marine Corps message 192338Z of July 1971 (ALMAR 77). In connection with your drug exemption you stated, in part, that during the period from January 1968 until September 1971 you frequently used marijuana, opium, heroin, amphetamines, barbiturates, lysergic acid diethylamide (LSD), mescaline, and speed.

On 1 October 1971 you were notified of pending administrative separation action by reason of unsuitability. At this time you waived your rights to consult with legal counsel and to submit a statement in rebuttal to the separation. On 14 October 1971 the

discharge authority directed your commanding officer to issue you a general discharge under honorable conditions. On 22 October 1971 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.7. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

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 contention that you would like your discharge upgraded to fully honorable in accordance with ALMAR 77. The Board also considered your contention that you accepted separation because of your drug problems and with the understanding that your discharge would automatically be upgraded six months after your separation. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your lengthy period of UA, the serious nature of your frequent drug abuse, and since your conduct average was insufficiently high to warrant an honorable characterization of service. Further, your drug exemption only stated that disciplinary action and an other than honorable discharge would be withheld. The exemption in no way specified that a fully honorable discharge would be issued. 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