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

TRG
Docket No: 1243-99
9 July 1999

[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 7 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 15 June 1965 at age 17. The record shows that you received nonjudicial punishment on three occasions and were convicted by a special court-martial. Your offenses were seven periods of unauthorized absence totaling about 153 days. The record also shows that you made a statement admitting to extensive marijuana and LSD use.

On 5 September 1968 you were notified of discharge processing by reason of unfitness. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. That same day you were delivered to civil authorities on a charges of possession of marijuana for sale. On 26 September 1968 the discharge authority approved the recommendation of your commanding officer that you be discharged for unfitness with an undesirable discharge. You were so discharged in absentia on 21 November 1968.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your contention, in effect, that your offenses were minor and you should have been allowed to stay in the Navy. The

Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your multiple periods of unauthorized absence, drug abuse and involvement with civil authorities. The Board concluded that the discharge was proper as issued 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