



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 8222-98

18 May 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 11 May 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 Navy on 22 June 1965 at the age of 18. Your record shows that you served for nearly a year without incident but on 2 April and again on 4 August 1966 you received nonjudicial punishment (NJP) for two incidents of unauthorized absence (UA) totalling four days. Shortly thereafter, on 30 November 1966, you received NJP for absence from your appointed place of duty. The punishment imposed was forfeitures totalling \$25. On 13 May 1967 you received your fourth NJP for a 36 hour period of UA. The punishment imposed was forfeitures totalling \$50 and restriction for 30 days.

Your record further reflects that on 10 January 1968 you were convicted by special court-martial (SPCM) of a 37 day period of UA, missing the movement of your ship, and breaking restriction. You were sentenced to confinement at hard labor for six months, forfeitures totalling \$540, and reduction to paygrade E-1. On 21 March 1968, during a Naval Investigative Service (NIS) interview, you admitted that you used illegal/restricted drugs while on liberty. The NIS report noted, in part, as follows:

(You) related that you first experienced the illegal use of restricted drugs in February 1966 when (you) were on shore liberty. (You) and two shipmates were drinking at a night club.... one shipmate left the night club and returned with some "red devils".... (You) decided to try one.... (You) "popped" it with a beer chaser.... it made (you) get high, similar to the feeling of being drunk, but without a hangover when the effect wore off.... because (you) could get high off red devils without a hangover (you) continued to take them every time (you) went on liberty.... (You) also popped "red hearts".... (You) used to take 5 to 6 hearts which kept (You) awake and feeling good.... (Your) first dealings with marijuana took place also when on liberty.

On 1 October 1968 you were notified that administrative separation action had been initiated to separate you by reason of unfitness due to drug abuse/use of barbiturates and dangerous drugs. At this time you waived your rights to consult with legal counsel or to present your case to an administrative discharge board. On 11 October 1968 your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness due to drug abuse and numerous military offenses. Subsequently, the discharge authority directed your commanding office to issue you an other than honorable discharge by reason of unfitness due to drug abuse and numerous military offenses. On 1 November 1968 you were so discharged.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded so that you do not have to continue to live with the embarrassment of an undesirable discharge. The Board further considered your contentions that you were unaware of the type of discharge you received until recently, thought your discharge was under honorable conditions because of your periods of UA and missing the movement of your ship, and signed the discharge papers without knowing why you were being separated because you only had seven more months to serve. However, the Board found the evidence and materials submitted were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct which resulted in four NJPs and a court-martial conviction and the seriousness of your drug related misconduct. Given all the circumstances of your case the Board concluded your 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