



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

CRS  
Docket No: 2872-01  
4 December 2001

[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 15 November 2001. 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 7 May 1975 at age 17. The record reflects that you received three nonjudicial punishments. The offenses included use of hashish and absence from your appointed place of duty on four occasions. On 1 March 1978 you were convicted by Spanish civil authorities of possession of hashish. The court sentenced you to confinement for eight months and a fine of 10,000 pesetas.

Subsequently, administrative separation action was initiated by reason of misconduct due to the civil conviction. On 8 March 1978, after receiving the advice of counsel, you agreed to conditionally waive your right to an administrative discharge board in exchange for a general discharge. After review by the discharge authority, the recommendation was approved and you were discharged with a general discharge on 3 April 1978.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were

not sufficient to warrant recharacterization of your discharge, given the seriousness of the civil conviction and your use of drugs. The Board also noted your contention that you were not allowed to confer with a lawyer. However, the record reflects that you negotiated a conditional waiver after receiving advice from your military counsel. Therefore, the Board concluded that 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