



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 4146-99

30 June 2000

[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 28 June 2000. 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 Marine Corps on 21 July 1966 at age 19. The record reflects that you received four nonjudicial punishments and were convicted by a summary court-martial. The offenses included absence from your appointed place of duty on two occasions, possession of alcoholic beverages, failure to obey a lawful order. and use of marijuana.

Subsequently, on 29 August 1969 you were convicted by civil authorities of possession of LSD. You were sentenced to probation for two years. On 17 November 1969 an administrative discharge board recommended that you be separated with a general discharge by reason of misconduct due to the civil conviction. After review by the discharge authority, the recommendation was approved and you were discharged with a general discharge on 30 January 1970.

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 offense which resulted in your civil conviction and your five disciplinary actions. In this regard, the Board noted that you were fortunate to receive a general discharge since most individuals convicted of possession of drugs are discharged under other than honorable conditions. Therefore, the Board concluded that no change to the discharge 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