



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

ELP
Docket No. 5143-99
26 June 2000

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 21 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 27 January 1964 for four years at age 21. The record reflects that you served without incident until 24 July 1964 when you received nonjudicial punishment (NJP) for a four-day period of unauthorized absence (UA).

On 20 January 1965 you were convicted by special court-martial of UA from 1 August 1964 to 5 January 1965, a period of over five months. You were sentenced to confinement at hard labor for six months, forfeitures of \$54 per month for six months, and a bad conduct discharge. The record reflects that while in confinement you attended an alcohol education group. The Navy Board of Review affirmed the findings and the sentence on 26 February 1965. Thereafter, you requested suspension of the discharge adjudged and restoration to duty. However, clemency and restoration to duty was denied and you received the bad conduct discharge on 11 June 1965.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your limited education and the fact that it has been 35 years since you were discharged. The Board noted your contention that your ability to serve was impaired by drugs and alcohol, and you should have been put into a treatment program. The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your record of an NJP and conviction by special court-martial of more than five months of UA. Your contention that your ability to serve was impaired by alcohol and drugs is neither supported by the evidence of record nor by any evidence submitted in support of your application. Further, drug and alcohol abuse does not excuse misconduct. The Board noted that while in confinement you attended an alcohol education group and should have achieved sobriety. Your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. 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