



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

TJR  
Docket No: 8725-01  
14 June 2002

[REDACTED]

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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 June 2002. 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.

You enlisted in the Marine Corps on 17 March 1951 at the age of 18. You served for a year and two months without disciplinary incident but on 8 May and again on 10 June 1952 you received nonjudicial punishment (NJP) for a day of unauthorized absence (UA) and failure to go to your appointed place of duty.

On 4 February 1953 you received NJP for absence from your appointed place of duty and were awarded extra duty for two weeks. On 9 July 1953 you were convicted by summary court-martial (SCM) of disobedience and disrespect. You were sentenced to confinement at hard labor for 20 days and a \$50 forfeiture of pay.

On 10 May 1954 you received your fourth NJP for absence from your appointed place of duty and were awarded extra duty for eight hours. On 27 June 1954, after undergoing a medical examination, you were diagnosed with acute barbiturate poisoning. The medical officer's narrative summary stated, in part, as follows:

(Member) admitted to hospital with the diagnosis: addiction, barbiturate. It was learned that he had returned to his ship and sent to sick bay in a stupor. He stated that he had been taking "yellow jackets" since being in the navy for 3-1/2 years. He related that he had purchased 8-to-10 "yellow jackets" for approximately \$2 while in town and took them all "for kicks." He insists this is the first time that he has ever taken "yellow jackets," however, he readily admits to using marijuana and "red birds" over a 3-1/2-to-4 year period. The only complaint which was elicited from him was that the Navy bothers him and that he wants to go home.

On 23 July 1954 you were notified of pending administrative separation action by reason of unfitness. After consulting with legal counsel you waived your right to submit a statement in rebuttal to the separation. Your commanding officer recommended separation by reason of unfitness as evidenced by your periods of absences, drug addiction, and your unwillingness to take orders and observe regulations. On 8 August 1954 an administrative discharge board in the Bureau of Naval Personnel recommended an undesirable discharge by reason of unfitness. Subsequently, the discharge authority approved the recommendation and directed an undesirable discharge. On 27 August 1954 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct and your contention that you proudly served during the Korean War. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given the serious nature of your drug related misconduct and the frequency of your disciplinary actions. 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