



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

CRS
Docket No: 23-01
22 January 2002

[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 January 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 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 12 May 1969 at age 20. The record reflects that on 13 January 1971 the Naval Investigative Service found a pipe with hashish in your car. Additionally, a confidential informant implicated you in the use of marijuana. You stated that you had not used marijuana since 1970.

On 11 March 1971 the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to drug abuse. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review, the recommendation for separation was approved but the discharge authority directed a general discharge and you were so separated on 30 March 1971.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you did not use marijuana as alleged, and your accuser was prejudiced against you because you are Hispanic.

However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your repeated involvement with drugs. Concerning your contention of racism, you have submitted no evidence to support such a contention. Further, the Board noted that you waived an administrative discharge board, the one opportunity you had to prove your innocence. 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