



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

TRG
Docket No: 1759-03
29 August 2003

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 26 August 2003. 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.

You enlisted in the Marine Corps on 24 March 1969 at age 18. You satisfactorily completed initial training and in December 1969 reported to your unit in Vietnam. During the period 15 June 1970 to 29 September 1970, you received nonjudicial punishment on three occasions and were convicted by a summary court-martial. Your offenses were three periods of unauthorized absence totaling about 12 days, two instances of missing the movement of your unit and breaking restraint.

Based on the foregoing record, you were processed for an administrative discharge. On 5 January 1971 an administrative discharge board recommended that you be discharged for unfitness with an undesirable discharge. After review, the discharge authority approved the recommendation for discharge. You received the undesirable discharge on 3 February 1971.

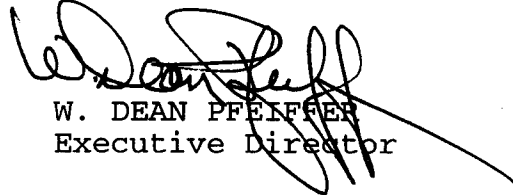
In its review of your application the Board carefully weighed all potentially mitigating factors, such as youth, limited education and low score on the aptitude test. The Board also considered your contention that drug addiction contributed to your misconduct. However, the Board found that these factors and

contentions were not sufficient to warrant recharacterization of your discharge given your repeated misconduct that occurred while you were in Vietnam. There is no evidence in the record, and you have submitted none, to support your contention that you were addicted to drugs while in the Marine Corps or that drug addiction would excuse or sufficiently mitigate your misconduct. The Board concluded that the 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