



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

TJR
Docket No: 1752-09
11 January 2010

[REDACTED]

[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 6 January 2010. The names and votes of the members of the panel will be furnished upon request. 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 Navy on 13 May 1968 at age 17 and served without disciplinary incident until 25 June 1970, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty and violation of a general order. Subsequently, you self-referred for drug abuse. At this time you stated that you wrongfully possessed and used dangerous drugs, narcotics, and marijuana. Upon completion of a psychiatric evaluation, you were diagnosed with a sociopathic personality disorder and drug abuse.

On 1 December 1970 you were notified of pending administrative separation action by reason of unfitness due to drug abuse. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 1 January 1971, an ADB recommended an undesirable discharge by reason of unfitness due to drug abuse as evidenced by your wrongful possession and use of dangerous drugs, narcotics, and marijuana.

Your commanding officer, in concurrence with the ADB, also recommended an undesirable discharge by reason of unfitness. On 12 January 1971 the discharge authority approved these recommendation and directed your commanding officer to issue you an undesirable discharge and on 29 January 1971, you were so discharged. However, on 27 March 1972, the Naval Discharge Review Board (NDRB) changed the characterization of your service and issued you a general discharge by reason of unfitness.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your general discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant further recharacterization of your discharge because of your misconduct which resulted in an NJP and drug abuse. Further, the Board noted that you were properly separated by reason of unfitness and that the NDRB recharacterized your service to general under honorable conditions. As such, the Board concluded that you were fortunate to receive a general discharge. Accordingly, your application has been denied.

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