



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

TJR  
Docket No: 5781-09  
24 May 2010

[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 18 May 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 6 July 1965 at age 17 and served without disciplinary incident until 13 July 1966, when you received nonjudicial punishment (NJP) for a 19 day period of unauthorized absence (UA).


On 18 April 1968 you were convicted by special court-martial (SPCM) of two periods of UA totalling 142 days. Shortly thereafter, on 21 June 1968, you became the subject of a naval investigation regarding the use of illegal and/or dangerous drugs prior to your enlistment and during your period of service. As a result, you were recommended for an administrative discharge. However, the discharge was held in abeyance and you were warned that any further misconduct would result in immediate discharge. Nonetheless, on 6 October 1968, you were again the subject of an investigation regarding illegal drug use.

Subsequently, you were notified of pending administrative discharge action by reason of unfitness due to drug abuse. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of unfitness due to drug abuse. On 31 December 1968 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness, and on 15 January 1969, 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 desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct and lengthy periods of UA, which resulted in NJP and conviction by SPCM. Finally, you were afforded an opportunity to defend yourself and perhaps receive a better characterization of service, but chose to waive your procedural right to an ADB. 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