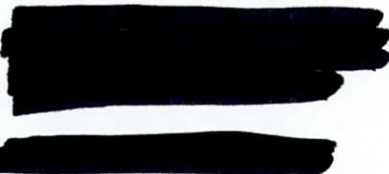




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BAN  
Docket No: 00638-10  
27 October 2010



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 21 October 2010. 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 entered active duty in the Marine Corps on 1 November 1966, and served without disciplinary incident until you received a civil conviction for having two marijuana cigarettes in your possession. Your record is incomplete, but it appears that you were also convicted by a summary court-martial. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to misconduct. You exercised your right to counsel and requested an administrative discharge board (ADB). Although the ADB voted to separate you due to misconduct, they recommended a general characterization of service. The separation authority approved the recommendation and on 31 October 1970, you were separated with a general characterization of service and an RE-4 (not recommended for retention) reenlistment code due to misconduct.

The Board, in its review of your entire record and application,

carefully weighed all potentially mitigating factors, such as your youth and combat service in Vietnam. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your characterization of service due to your misconduct. The Board noted that you were fortunate to receive a general discharge, because individuals who are separated for misconduct such as yours normally receive an OTH characterization of service. 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