



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

BAN
Docket No: 08646-10
23 May 2011

[REDACTED]

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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 19 May 2011. 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.

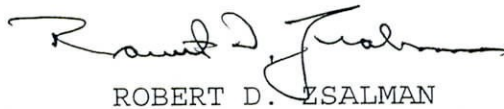
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 15 November 1972, and served without disciplinary incident until 11 July 1973, when you received nonjudicial punishment (NJP) for an unauthorized absence in excess of 24 days. Shortly thereafter, on 13 June 1974, you were arrested while stationed in Japan and convicted in civil court of the possession and sale of heroin. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to civil conviction. You exercised your right to request an administrative discharge board (ADB). The ADB found that you had committed misconduct and recommended separation with an OTH discharge. The separation authority approved the recommendation and on 7 March 1975, you were separated with an OTH discharge and an RE-4 (not recommended for retention) reenlistment code due to civil conviction.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your claim that you were illegally held in a Japanese stockade. However, you have produced no evidence to support your claim. Therefore, the Board concluded there was no basis to warrant a recharacterization of your discharge due to your civil conviction. 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,



ROBERT D. ZSALMAN
Acting Executive Director