



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

BJG
Docket No: 9609-10
24 May 2011



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 24 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and entered active duty on 29 October 1973. You received nonjudicial punishment on three occasions, and were convicted by a summary court-martial and a special court-martial. Your offenses included wrongful possession of marijuana (two specifications totaling over 13.4 grams), and unauthorized absence (three specifications totaling over 31 days). You were notified that your commanding officer was recommending you for administrative separation with a general discharge due to misconduct. You waived all of your procedural

rights, including your right to have your case heard by an administrative discharge board (ADB). On 25 March 1977, you received a general characterization of service due to misconduct.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, alcohol problems, and post service good conduct. However, the Board concluded that your discharge should not be changed due to your unauthorized absences and drug abuse. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board noted that you were fortunate to receive a general discharge, since individuals who are separated for misconduct normally receive an other than honorable characterization of service. You are advised that no discharge is upgraded due to your merely to the passage of time or post service good conduct. In view of the above, 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
Deputy Executive Director