



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

BJG
Docket No: 3830-13
6 March 2014

[REDACTED]

[REDACTED]

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 5 March 2014. 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. The Board also considered the report of the Naval Discharge Review Board (NDRB) dated 26 September 1980, a copy of which is attached.

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 Marine Corps and entered a period of active duty on 22 January 1970. You received nonjudicial punishment and were convicted by civil authorities. Your offenses included absence from your appointed place of duty and wrongful possession of 3,214 doses of lysergic acid diethylamide (LSD) with intent to distribute. Your command then notified you that you were being administratively separated with an other than honorable (OTH) characterization of service due to misconduct.

You waived your procedural right to an administrative discharge board (ADB). On 1 February 1974, you received the OTH characterization of service due to misconduct.

The Board, in its review of your entire record, carefully considered all potentially mitigating factors, such as your youth and current desire to upgrade your discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading your discharge in light of the serious nature of your misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or better characterization of service. You are advised that no discharge is automatically upgraded due 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
Acting Executive Director

Enclosure