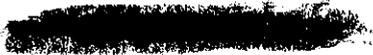




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 5420-09
13 April 2010



This is in reference to your application for correction of your late son's 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 13 April 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 son's 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. The Board found that your son entered active duty in the Marine Corps on 28 September 1970. He received nonjudicial punishment on one occasion for 137 days of unauthorized absence. On 21 May 1975, he was convicted by general court-martial for wrongfully distributing hallucinogenic drugs and possessing marijuana. His sentence included a bad conduct discharge (BCD). After serving confinement at hard and appellate review, he received the BCD on 7 January 1976.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your son's youth and your desire to upgrade his discharge. However, the Board concluded that his BCD should not be changed due to his serious misconduct. 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,


W. DEAN PFEIFFER
Executive Director