



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

ELP  
Docket No. 7871-98  
22 March 1999

[REDACTED]

Dear [REDACTED]

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 17 March 1999. 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.

The Board found that you enlisted in the Marine Corps on 13 June 1975 for four years at age 17. The record reflects that you were advanced to CPL (E-4) and served without incident until 22 September 1977 when you submitted a request for an undesirable discharge for the good of the service in lieu of trial by court-martial. At that time, you were charged with possession of phencyclidine, introducing phencyclidine on board a naval installation, two specifications of selling phencyclidine, and transferring phencyclidine. However on 5 October 1977, the discharge authority disapproved your request.

On 1 November 1977, you were convicted by special court-martial of the foregoing charges. You were sentenced to confinement at hard labor for five months, forfeitures of \$25 per month for five months, reduction in rank to PVT (E-1), and a bad conduct discharge. The Navy Court of Military review affirmed the findings and the sentence on 6 March 1978. Subsequently, the Court of Military Appeals denied your petition for review. You received the bad conduct discharge on 8 August 1978.

In its review of your application the Board carefully weighed all potentially mitigating factors such your youth and immaturity, the 27 months of unblemished service prior to the conviction, numerous letters of reference, and the news clipping on your efforts to cut down drunken driving in your community. The Board noted your contention that the punitive discharge was too harsh for one instance of drug involvement and does not reflect your overall character of service. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given the serious nature of the multiple drug offenses of which you were convicted. The Board noted that as a CPL at the time of your conviction, you were certainly well aware of the consequences that could result from involvement with drugs. Your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. Additionally, a Federal Bureau of Investigation report obtained by the Board noted that your post-service conduct has been marred by convictions for attempted sale of marijuana, assault, and criminal impersonation of another person. The Board thus concluded that the discharge and reason for discharge were proper and no changes are warranted. 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