



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

CRS
Docket No: 1212-01
19 July 2001



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 18 July 2001. 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 21 October 1969 at age 18. The record reflects that on 17 September 1970 you made a sworn statement to the Naval Investigative Service in which you admitted to using various drugs such as marijuana, hashish, LSD, and methedrine (speed). On 28 September 1970 you received nonjudicial punishment for an unauthorized absence of 26 days.

On 29 September 1970 the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to your drug use and the period of absence. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an undesirable discharge on 30 November 1970.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity

and the contention that you were not given due process. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your repetitive drug use. In this regard, there is no evidence in the records nor have you provided any evidence to show your right to due process was violated. In fact, it is clear that an administrative discharge board would have been convened upon your request, but you waived this procedural right. 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