



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

TJR
Docket No: 4805-01
19 December 2001

[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 11 December 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 October 1967 at the age of 19.

Your record reflects that on 18 March 1970, during a Naval Investigation Service (NIS) interview, you submitted a written statement in which you admitted to possession and use of marijuana prior to and during your enlistment. You also stated that you had used benzedrine on two or three occasions. On 27 March 1970 you were notified of pending administrative separation action by reason of unfitness due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 7 May 1970 an ADB recommended you be issued a general discharge by reason of unfitness due to drug abuse. On 21 May 1970 your commanding officer also recommended a general discharge by reason of unfitness. On 5 June 1970 the discharge authority approved the foregoing recommendations and directed a general discharge by reason of unfitness, and on 11 June 1970 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, character reference letters, and letter of appreciation. The Board also considered your contention that you received poor legal advice regarding your discharge. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your drug related misconduct during your enlistment. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention of inadequate advice from counsel. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is 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