



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

TJR
Docket No: 7708-01
10 May 2002

[REDACTED]

[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 7 May 2002. 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 Marine Corps on 20 September 1971 at the age of 17. Your record reflects that on 11 March 1972 you began a period of unauthorized absence (UA). On 25 May 1972, while in a UA status, you were convicted by civil authorities of operating an automobile without permission and were sentenced to probation for a year. Shortly thereafter, on 11 June 1972, you received nonjudicial punishment (NJP) for a 76 day period of UA and disrespect. The punishment imposed was reduction to paygrade E-1, a \$100 forfeiture of pay, and restriction for 60 days, half of which was suspended for three months.

Your record further reflects that on 22 January 1973 you were convicted by civil authorities of being in the presence of dangerous drugs and were sentenced to probation for a year. Approximately a month later, on 21 February 1973, you received NJP for absence from your appointed place of duty. The punishment imposed was restriction for 14 days and a \$50 forfeiture of pay, which was suspended for three months.

On 10 April 1973 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. At that time you waived your rights to consult with legal counsel, present your case to an administrative discharge board, and to submit a statement in rebuttal to the discharge. On 18 April 1973 your commanding officer recommended an undesirable discharge by reason of unfitness. On 11 May 1973 the discharge authority approved the foregoing recommendation and directed an undesirable discharge, and on 25 May 1973 you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity, post service conduct, and character reference letters. The Board also considered your contentions that your ability to serve was impaired by alcohol and drug abuse, and that your discharge was too severe when compared with today's standards. However, the Board found these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation or reenlistment code given your repetitive misconduct in both the military and civilian communities. Given all the circumstances of your case, the Board concluded your discharge, narrative reason for separation, and reenlistment code were proper 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