



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

TJR
Docket No: 3454-02
15 November 2002

[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 13 November 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.

You enlisted in the Marine Corps on 14 October 1970 at the age of 17. You served without disciplinary incident until 26 January 1972, when you received nonjudicial punishment (NJP) for a 27 day period of unauthorized absence (UA). The punishment imposed was reduction to paygrade E-1, a \$25 forfeiture of pay, and restriction and extra duty for 15 days. On 3 October 1972 you were convicted by special court-martial (SPCM) of a 47 day period of UA, wrongful possession of marijuana, and distributing drugs. You were sentenced to confinement at hard labor for a month, a \$192 forfeiture of pay, and a bad conduct discharge (BCD). On 6 September 1973 you submitted a written request for immediate execution of the BCD which stated, in part, as follows:

I do not desire to be retained in the Marine Corps. If I were returned to duty for any length of time, I feel that I would return to using drugs again. Because of my past record I don't think I would have a chance at duty or be given the benefits of an average Marine. Therefore, I am requesting execution of my bad conduct discharge.

Subsequently, the BCD was approved at all levels of review, and on 1 October 1973 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 and post service conduct. It also considered your contention that your BCD was inappropriate because it was based on minor offenses, and that under current standards you would not receive a BCD for this type of misconduct. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your lengthy periods of UA and drug related misconduct. 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