



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

CRS
Docket No: 6006-05
22 November 2006

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 15 November 2006. 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 5 March 1968. The record reflects that you received four nonjudicial punishments (NJP's). The offenses included unauthorized absences totaling three days, failure to obey a lawful order on two occasions, absence from your appointed place of duty on two occasions, disrespect, violation of a lawful general regulation, underage drinking, drinking during working hours, and possession of an altered identification card.

A report from the Federal Bureau of Investigation implicated you in the possession of drugs, and possession of drugs for sale. On 13 January 1970 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of unfitness due to drug abuse. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 26 February 1970 with an undesirable discharge.

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

that the discharge would be upgraded in six months. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your involvement in drug abuse and the four NJP's. In this regard, no law or regulation provides for upgrading a discharge based solely on the passage of time. Based on the foregoing, the Board concluded that no change to the discharge 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