



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

CRS
Docket No: 144-07
28 January 2008

[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 9 January 2008. 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 15 December 1969. The record reflects that you received four nonjudicial punishments and were convicted by three summary courts-martial. The offenses included unauthorized absences, larceny, failure to obey a lawful order, and dereliction of duty. On 25 April 1973 you tested positive for morphine/cocaine.

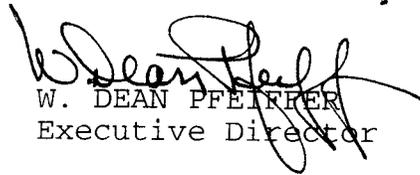
On 12 July 1973 an administrative discharge board recommended that you be separated from the Marine Corps by reason of unfitness due to frequent involvement of a discreditable nature with military authorities, with an undesirable discharge. On 30 July 1973 the discharge authority suspended the execution of the undesirable discharge until 26 January 1974, with provisions for automatic remission. On 20 December 1973 you received a fifth nonjudicial punishment, for absence from appointed place of duty. The suspension was vacated on 14 January 1974 and you were discharged on 18 January 1974 with an undesirable discharge.

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

marital problems. The Board found those factors insufficient to warrant the upgrade of your discharge given your extensive disciplinary record and apparent use of illegal drugs. In addition, the Board noted that the discharge authority granted you substantial clemency by suspending the execution of the undesirable discharge, and that you would have received a more favorable characterization of service if you had not committed another offense during the period of the suspension. 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

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