



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

SJN  
Docket No: 08435-07  
6 August 2008



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 5 August 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 26 January 1970 at age 17. On 4 February and 9 March 1971, you received nonjudicial punishment (NJP) for three instances of absence from your appointed place of duty and having a dirty uniform.

On 19 April 1971, you were notified of pending administrative separation action by reason of misconduct due to wrongful use of marijuana. You elected to consult with legal counsel and requested an administrative discharge board (ADB).

Subsequently, on 20 April 1971, a majority of the ADB found that you had committed misconduct due to drug use, and recommended discharge under honorable conditions. On 6 May 1971, your commanding officer concurred with the majority of the ADB and forwarded your case to the discharge authority for review. On 11 May 1971, you received NJP for two periods of unauthorized absence (UA) totaling 18 days, and missing movement.

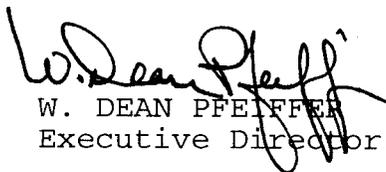
On 21 May 1971, the discharge authority directed that you be separated with a general discharge by reason of convenience of the government. You were so discharged on 27 May 1971.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.8. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your record of three NJP's, one of which was for the serious offense of missing movement, and which occurred after you were notified of your pending separation for drug use. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is separated for drug use. 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