



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

TRG
Docket No: 9235-07
26 June 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 17 June 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.

You enlisted in the Marine Corps on 29 May 1969 and served until you were honorably discharged on 28 July 1972. During this enlistment you served in Vietnam, were awarded the Combat Action Ribbon and were promoted to sergeant.

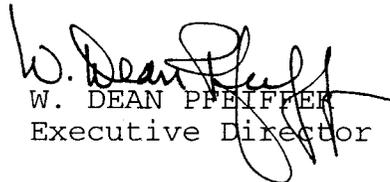
You reenlisted in the Marine Corps on 29 July 1972 for three years. On 5 March 1974 you were convicted by a general court-martial of sale and possession of marijuana. The sentence of the court included forfeitures of pay, reduction to paygrade E-1, confinement at hard labor for eight months and a bad conduct discharge. You began appellate leave on 18 September 1974 and remained in that status until the bad conduct discharge was issued on 19 May 1975.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your conviction by a general court-martial of serious drug related charges. The Board concluded that the discharge was proper as issued 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.

The Board believes that you may be eligible for veterans' benefits based on your first period of honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

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