



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

SMS
Docket No: 10882-07
21 August 2008

[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 20 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.

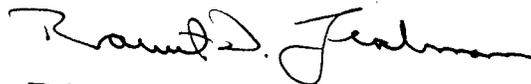
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 28 January 1969, you enlisted in the Navy at age 18. On 21 May 1970, a Naval Investigative Service (NIS) investigation resulted in your implication of being involved with illegal drugs. On 29 June 1970, your commanding officer initiated administrative separation by reason of unfitness. In connection with this processing, you acknowledged that separation could result in an undesirable discharge (UD), elected counsel, waived the right to have your case heard by an administrative discharge board (ADB), and submitted a statement requesting a general discharge. On 7 August 1970, your commanding officer stated that you were implicated by three other Sailors as being involved with illegal drugs, but you declined to make a statement when questioned by NIS. On 9 September 1970, the separation authority approved the discharge recommendation, but directed a general discharge by reason of unfitness. On 16 September 1970, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that you never did drugs. Nevertheless, the Board concluded that these factors and contention were not sufficient to warrant recharacterization of your discharge. The Board noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, 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.

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,



FOR W. DEAN PFEIFFER
Executive Director