



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

JRE  
Docket No. 01651-08  
16 October 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 9 October 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 28 December 1967. You received nonjudicial punishment on four occasions over the next two years, for offenses that included unauthorized absence and being drunk and disorderly. You were arrested by civil authorities in Boston, Massachusetts, on 15 January 1970 for possession of marijuana and LSD. You were arrested the following day in Stoughton, Massachusetts for possession of marijuana, and you were convicted of that offense by civil authorities on January 1970. You were discharged by from the naval service by reason of unfitness on 24 February 1970, with an undesirable discharge, based on your possession of illegal drugs. On 25 September 1974, the Naval Discharge Review

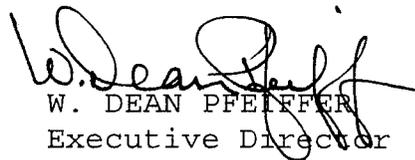
Board (NDRB) determined that your undesirable discharge was proper, but directed that it be upgraded to general pursuant to Secretary of Defense Memorandum of 13 August 1971 (Laird Memorandum). The basis for your discharge was not changed.

The Board was not persuaded that you lacked mental responsibility for the multiple act of misconduct you committed during your enlistment, or that you were unfit for duty by reason of physical disability at the time of your discharge. The Board noted that while the Laird Memorandum provided that administrative discharges under other than honorable conditions issued solely on the basis of personal use of drugs or possession of drugs for the purpose of such use would be reviewed for recharacterization, it did not require the recharacterization of each discharge reviewed under that policy. As the original characterization of your service as under other than honorable conditions was based in part on your extensive disciplinary record, you were fortunate to have received a general discharge following NDRB review.

In view of the foregoing, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge to honorable, 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