



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

SMS
Docket No: 3075-08
11 December 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 10 December 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.

On 24 February 1971, you enlisted in the Marine Corps at age 17 with parental consent. On 5 April 1971 and 22 November 1972, you had nonjudicial punishment (NJP) for failure to obey a lawful order and absence from your appointed place of duty. On 11 December 1972, your urinalysis tested positive for barbiturates and you were subsequently placed on a urinalysis surveillance program. During the period 22 January to 13 February 1973, your urinalysis tested positive for barbiturates on seven occasions. On 7 February 1973, a medical officer stated that there was no record of prescribed medication.

On 9 March 1973, your commanding officer initiated administrative separation by reason of unfitness. In connection with this processing, you acknowledged that separation could result in a general discharge and declined to submit a statement. On 20 March 1973, you had NJP for a day of unauthorized absence. On 28 August 1973, the separation authority approved the discharge recommendation and directed a general discharge by reason of unfitness. On 30 August 1973, you were so discharged.

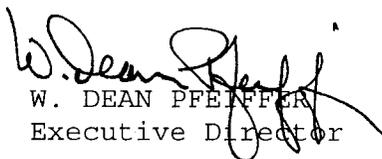
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. Nevertheless, the Board concluded that these factors were not

sufficient to warrant recharacterization of your discharge due to your overall service record that included three NJP's and drug abuse. 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.

The Board noted that as a result of your general characterization of service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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