



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

SJN
Docket No: 06957-08
22 May 2009

[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 19 May 2009. 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 and began a period of active duty on 10 March 1970 at age 17. On 6 January 1971, you received nonjudicial punishment (NJP) for wrongful possession of marijuana. Your punishment included restriction and a forfeiture of pay.

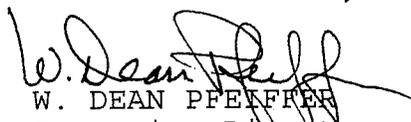
On 28 January 1971, you were processed for an administrative discharge by reason of unfitness. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

On 3 February 1971, an ADB unanimously found that you had committed misconduct, and recommended discharge under honorable conditions. Subsequently, your commanding officer forwarded your case concurring with the ADB's findings but recommended an undesirable discharge by reason of unfitness. However, the separation authority directed a general discharge. You were so discharged on 17 March 1971.

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 recharacterization of your discharge given your NJP for drug possession. The Board also noted that you were fortunate to receive a general discharge since an undesirable discharge is often directed when an individual is discharged for misconduct. 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