



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

SJN
Docket No: 08381-08
29 July 2009

[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 21 July 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 25 June 1974 at age 17. On 11 and 28 November 1975, you received nonjudicial punishment (NJP) for four periods of unauthorized absence. Based on the information currently contained in your record, on 1 March 1976, you were notified of pending administrative separation action by reason of unsuitability based on drug abuse as evidenced by a urinalysis test.

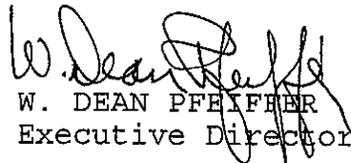
You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. Your case was forwarded and 17 May 1976, the separation authority directed that you be separated with a type warranted by your service record discharge by reason of unsuitability. You received a general discharge on 2 March 1976.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.9. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and contention that you were forced to use drugs. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service given the two NJP's and drug use. Concerning your contention of forced drug use, there is no evidence in the record to support it, and you submitted no such evidence. 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