



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

SMS  
Docket No: 8442-08  
14 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 13 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

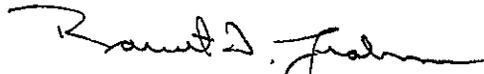
On 28 August 1969, you enlisted in the Marine Corps at age 19. On 24 September 1971, you had nonjudicial punishment (NJP) for absence from your appointed place of duty. On 11 November 1971, you were granted a drug exemption for use of marijuana, dexedrine, and lysergic acid diethylamide (LSD) during the period December 1969 to November 1971. On 12 November 1971, suspended punishment from the NJP was vacated due to disrespect. On 29 November 1971, you received a psychiatric evaluation during which time you stated that you did not feel the need for rehabilitation and that you had the ability to control your drug use. The evaluation recommended administrative separation due to unfitness because of your lack of desire for rehabilitation and concluded with no psychiatric diagnosis.

On 10 December 1971, your commanding officer initiated administrative separation by reason of unfitness due to unauthorized use of drugs, and recommended a general discharge. In connection with this processing you acknowledged the separation action. On 23 December 1971, the separation authority approved the discharge recommendation and directed a general discharge by reason unfitness. On 21 January 1972, 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 belief that you received a general discharge because of an unauthorized absence. Nevertheless, the Board concluded that these factors and belief were not sufficient to warrant recharacterization of your discharge. In this regard, regulations in effect at that time authorized a general characterization of service for members discharged due to unfitness who were granted a drug exemption, but were not amenable to treatment. 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,



ROBERT D. ZSALMAN  
Acting Executive Director