



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

BJG  
Docket No: 10619-08  
12 August 2009



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 11 August 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. The Board found that you entered active duty in the Marine Corps on 21 October 1968. You received nonjudicial punishment for wearing an unauthorized absence of about 20 days. On 3 September 1969, a special court-martial convicted you of wrongful appropriation of a vehicle. On 14 October 1969, you were suspected of using illegal drugs, and you voluntarily admitted to using lysergic acid diethylamide (LSD) and amphetamines. Based on your illegal drug abuse, you were recommended for an other than honorable (OTH) discharge for unfitness. After conferring with qualified military

counsel, you waived all of your rights, including your right to an administrative discharge board (ADB).

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and assertion that you received no legal advice. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading your OTH discharge because of your misconduct and drug abuse. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Your service record includes documentation showing that you were offered legal advice. In view of the above, 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