



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

BJG  
Docket No: 10913-09  
14 July 2010

[REDACTED]

Dear [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 July 2010. 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 6 August 1970. You received nonjudicial punishment on two occasions for wrongfully displaying a reproachful gesture, wearing an unauthorized badge on your uniform, and failure to muster for restriction (two specifications). On 30 August 1971, you admitted to abusing lysergic acid diethylamide (LSD), mescaline, marijuana, amphetamines, and barbiturates while on active duty. You were also in an unauthorized absence status for 133 days for which

it appears that no disciplinary action was taken. You were notified of pending administrative separation action with a general discharge due to unfitness. On 4 December 2006, you received a general discharge due to unfitness, and were assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and belief that you are entitled to an automatic upgrade of your discharge. However, the Board concluded that your discharge should not be changed because of your misconduct and drug abuse. You are advised that there is no provision of law or in naval regulations which allow for automatic upgrades of discharges. The Board believed you were fortunate to have received a general discharge, since when a Marine has committed misconduct such as your, he would normally receive an other than honorable characterization of service. 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