



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

REC
Docket No: 04490-10
2 February 2011



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 2 February 2011. 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 Marine Corps and began a period of active duty on 5 January 1971, at age 17. On 8 June 1973, you were convicted by a special court-martial (SPCM) of wrongfully possessing and selling 132.9 grams of marijuana. You were sentenced to forfeitures of \$300, reduction in pay grade, and confinement at hard labor for 30 days. On 18 July 1973, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 29 October 1973, you received NJP for leaving your appointed place of duty. On 18 January 1974, you received NJP for failure to be at your appointed place of duty. Administrative discharge action was then initiated by reason of misconduct. On 7 March 1974, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an undesirable discharge due to unfitness. Your commanding officer concurred with the ADB's finding and recommended that you be discharged with an undesirable discharge conditions by reason of unfitness. On 15 April 1974, you received the undesirable discharge due to misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct and performance, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge, given your record of serious 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