



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

TAL  
Docket No: 7400-10  
6 April 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 30 March 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 Navy and began a period of active duty on 6 March 1967 at age 19. On 27 November 1969, you were the subject of a medical evaluation after the use of lysergic acid diethylamide (LSD). You stated in part, that you had used LSD for two and one half years. You also stated that you used hashish, marijuana, amphetamines and mescaline occasionally. You also admitted to taking LSD about 30 times before experiencing a "bad trip". Your command was notified that you were arrested by the Lakehurst, NJ police department for possession and use of LSD. You pled and were found guilty in municipal court on 10 December 1969 and sentenced to six months in jail, which was suspended, and you were placed on probation for one year. You were notified of pending administrative discharge processing under other than honorable (OTH) conditions. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 18 February 1970, you received an OTH discharge for misconduct due to civil conviction for drug involvement. On 20 April 1972 the Naval Discharge Review Board (NDRB) upgraded the characterization of your discharge to general under honorable conditions.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in a civil conviction. The Board also believed that you were fortunate to receive a general discharge from the NDRB since a separation under other than honorable conditions is often directed when a Sailor is separated for misconduct. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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