



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

TJR  
Docket No: 11280-10  
4 August 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 2 August 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 13 August 1968 at age 17 and served for about seven months without disciplinary incident. However, during the period from 4 March to 15 July 1969, you received nonjudicial punishment (NJP) on two occasions and were convicted by summary court-martial (SCM). Your offenses were two periods of unauthorized absence (UA) totalling two days, service discrediting conduct, and theft of a radio valued at \$45.

During the period from 12 February to 7 December 1970, while serving in the Republic of Vietnam (RVN), you were convicted twice by SCM and received two more NJPs. Your offenses included sleeping on post in a hostile fire area, leaving post without being properly relieved, sitting down on post, and an unspecified offense. On 18 February 1971, you were convicted by civil authorities of failure to appear, participating in a speeding contest, and not having air pollution control devices on your vehicle. You were sentenced to serve three days in jail and a \$58.50 fine. Shortly thereafter, on 1 March 1971, you received NJP for absence from your appointed place of duty.

On 19 April 1971 you were notified of pending administrative separation action by reason of unfitness due to drug abuse and frequent involvement of a discreditable nature with military and civilian authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Subsequently, your commanding officer recommended discharge under other than honorable conditions by reason of unfitness due to drug abuse as evidenced by your wrongful possession of marijuana and a dangerous drug, specifically, amphetamines. On 3 May 1971 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness due to drug abuse, and on 18 May 1971, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, service in the RVN, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct which resulted in five NJPs, two SCMs, and a civil conviction. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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