



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 1526-12  
27 November 2012

[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 20 November 2012. 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 2 August 1972 and immediately began a period of active duty. You served for about five months without disciplinary incident, but on 9 January 1973, you received nonjudicial punishment (NJP) for wrongful possession of alcoholic beverages in the barracks.

On 7 July 1975 you received NJP for failure to obey a lawful order. Also in July 1975, you were the subject of a criminal investigation regarding the search and seizure of marijuana. The investigative report reflects that you were in a car where marijuana would found under the hood/on top of the engine cover. It also reflects that 33 bags (380.17 grams) of marijuana were found in your wall locker and a box/.04 grams of marijuana was in your cubicle.

Subsequently, you were administratively processed for separation by reason of unfitness due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 28 November 1975 an ADB

recommended discharge under other than honorable conditions by reason of unfitness due to drug abuse. On 23 December 1975 the commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of unfitness due to drug abuse. On 31 December 1975 the discharge authority approved these recommendations and directed an other than honorable discharge by reason of unfitness, and on 19 January 1976, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge for financial and medical reasons. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your alcohol and drug related misconduct. 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,



BRIAN J. GEORGE  
Head, Discharge Review Section