



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

TJR
Docket No: 1536-12
27 November 2012



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 Navy on 18 May 1970 and immediately began a period of active duty. You served without disciplinary incident until 30 September 1971 when you received nonjudicial punishment (NJP) for a five day period of unauthorized absence (UA).

During the period from 10 to 26 June 1972 you were in a UA status for three days. You were also admitted to a drug rehabilitation program where you disclosed the wrongful usage of dangerous drugs, specifically, marijuana, amphetamines, barbiturates, lysergic acid diethylamide (LSD), and hallucinogens, and advised that administrative processing action was being initiated due to your drug abuse. On 6 July 1972 you were convicted by special court-martial (SPCM) of a 53 day period of UA and were sentenced to confinement at hard labor for a month, a \$384 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 14 November 1972 you received NJP for wrongful possession of marijuana.

On 15 January 1973 you received your third NJP for two periods of absence from your appointed place of duty. Subsequently, the BCD was approved at all levels of review, and on 21 November 1973 you were so discharged.

Your record reflects that on 17 March 1976, in accordance with a recommendation of the Presidential Clemency Board, your BCD was changed and you were awarded a clemency discharge pursuant to Presidential Proclamation 4313.

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 clemency discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA and repeated use of dangerous drugs, all of which resulted in three NJPs and a court-martial conviction. Further, the Board noted that the BCD was changed to a clemency discharge, but concluded that a further change was not warranted. 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