



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

BAN
Docket No: 02315-12
27 February 2013

[REDACTED]

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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 14 February 2013. 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.

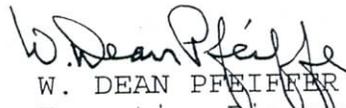
You enlisted in the Marine Corps on 14 September 1970, and served without disciplinary incident, until 3 June 1971, when you received nonjudicial punishment (NJP) for an unauthorized absence in excess of 13 days. On 9 February 1971, you received a mental health evaluation which deemed you unsuitable for service. Also, during your medical evaluation, you self-admitted to drug use prior to your entry into military service and wanted to be separated. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to misconduct. You exercised your right to consult with counsel and an administrative discharge board (ADB). The ADB voted 2 to 1 to separate you with a general discharge. The separation authority approved the recommendation and on 17 June 1971, you were separated with a general discharge due to misconduct and an RE-4

reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, and claim that you were told that you were being separated due to a reduction in force vice misconduct. However, the Board concluded these factors were insufficient to warrant changing your characterization of service or your narrative reason because of your misconduct. The Board also found that your election to have an ADB was your best opportunity for retention or a better characterization of service, in which you already received and were granted a general discharge vice an OTH characterization of service. Finally, the Board was unable to find any evidence in your record to support your claim, and you provided no such evidence. 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