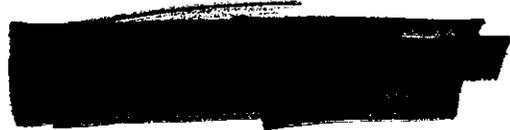




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 02910-13
10 April 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 8 April 2014. 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 29 August 1968. The Board found that on 10 April 1969, you received nonjudicial punishment (NJP) for two days of unauthorized absence. On 6 February 1970, you made a voluntary sworn statement to Naval Investigative Service personnel regarding your wrongful use of marijuana before and after your enlistment and lysergic acid diethylamide (LSD) after your enlistment.

Subsequently, administrative discharge action was initiated by reason of unfitness due to your admitted wrongful use of marijuana, LSD, and other harmful drugs. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 19 March 1970, the ADB recommended you receive a general discharge due to unsuitability. On 15 April 1970, your commanding officer forwarded your case concurring with the ADB's findings and recommendation. However, on 29 April

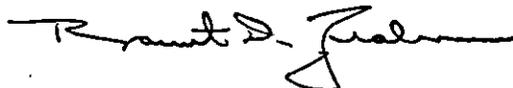
1970, the separation authority directed that you be discharged, type warranted by your service record, by reason of convenience of the government due to substandard personal behavior. On 8 May 1970, you received a general discharge based on your overall conduct average marks.

Characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct average was 2.8. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, post service accomplishments, and desire to upgrade your characterization of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your characterization of service given your NJP, statement regarding your wrongful use of drugs during your enlistment, the reason for your discharge, and failure to attain the required average in conduct. Finally, the Board noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is involved in the wrongful use of marijuana, LSD, and other harmful drugs. 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,



ROBERT D. ZSALMAN
Acting Executive Director