



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

TJR
Docket No: 3944-13
25 March 2014

[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 25 March 2014. 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 and began a period of active duty on 12 October 1966. You served for about seven months without disciplinary incident, but during the period from 17 May 1967 to 16 June 1969 you received nonjudicial punishment (NJP) on three occasions for two periods of unauthorized absence (UA) totalling 26 days, absence from your appointed place of duty, and failure to obey a lawful order.

On 8 May 1969, after undergoing a medical evaluation, you admitted to wrongfully using amphetamines over a past seven month period, specifically, intravenous use twice during the week and up to five times daily during weekend abuse.

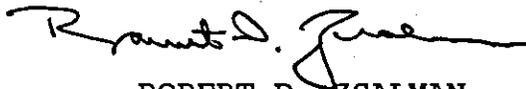
Subsequently, in June 1969, you were processed for an administrative separation by reason of misconduct due to drug abuse. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. However, on 24 June 1969, you began another period of UA. Nonetheless, on

8 July 1969, the discharge authority approved the recommendation for discharge and directed separation under other than honorable conditions by reason of misconduct, and on 10 July 1969 while in a UA status, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, Vietnam service, and assertion that you were not aware of the seriousness of your drug related offenses. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in four NJPs and drug abuse. Further, you were given an opportunity to defend your actions, but waived your procedural right. Finally, there is evidence in the record that is contrary to your assertion. 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,



ROBERT D. ZSALMAN
Acting Executive Director