



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

TJR
Docket No: 4883-13
29 April 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 15 April 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 Navy and began a period of active duty on 8 March 1966. You served without disciplinary infraction until February 1968, when you were charged with alleged wrongful possession and use of marijuana. However, the record does not reflect the disciplinary action taken for this misconduct. During the period from 19 June to 3 December 1968 you received nonjudicial punishment (NJP) on two occasions and were convicted by summary court-martial (SCM). Your offenses were assault, disrespect, breaking restriction, failure to obey a lawful order, and two specifications of disobedience.

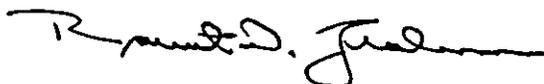
On 20 March 1969 you were the subject of an investigation at which time you admitted to wrongfully smoking marijuana while you were stationed in the Republic of Vietnam (RVN). As a result, on 17 April 1969, you were notified of administrative separation by reason of unfitness due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 30 July 1969 an ADB

recommended separation under other than honorable conditions by reason of unfitness due to drug abuse. On 12 August 1969, your commanding officer, in concurrence with the ADB, also recommended discharged under other than honorable conditions by reason of unfitness due to drug abuse. Shortly thereafter, the discharge authority approved these recommendations and directed discharge under other than honorable conditions by reason of unfitness, and on 26 August 1969, you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, combat service in RVN, and desire to upgrade your discharge. It also considered your assertion of not being afforded a fair and just ADB. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct which included the wrongful possession and use of marijuana. 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