



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

TJR  
Docket No: 7966-13  
12 September 2014



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 26 August 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 27 December 1973. You served without disciplinary incident until 25 February 1974, when you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA).

On 11 March 1974 you were the subject of an investigation after being apprehended for wrongfully smoking marijuana in the barracks. Subsequently, you were referred for a medical evaluation. As a result, on 19 March 1974, you stated that you enlisted in the Marine Corps to avoid prosecution and did not care what happened to you as long as you could get out. Although it had been determined that disciplinary action was not deemed appropriate at that time, you were recommended for an administrative separation due to your moral turpitude and lack of self-discipline which rendered you incapable of undertaking the duties and responsibilities of the Marine Corps.

Subsequently, 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. On 3 April 1974, the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct due to drug abuse, and on 10 April 1974, 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 and assertion that you were falsely accused of an offense which resulted in your separation. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your drug related misconduct. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Finally, there is evidence in the record that is contrary to your assertion of being falsely accused of the offense which resulted in your discharge. 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 J. O'NEILL  
Executive Director