



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

TJR
Docket No: 660-14
29 January 2015



Dear [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 21 January 2015. 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.

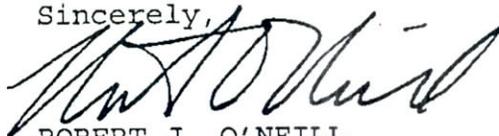
You enlisted in the Navy and began a period of active duty on 22 September 1969. You served without disciplinary incident until 11 August 1973, when you were convicted by special court-martial (SPCM) of four specifications of selling lysergic acid diethylamide (LSD), seven specifications of selling marijuana, three specifications of loaning monies for profit, threatening bodily harm, and selling hashish. You were sentenced to confinement for four months, reduction to paygrade E-1, a \$300 forfeiture of pay, and a bad conduct discharge (BCD). On 18 March 1974, you submitted a written request for a general discharge. Nonetheless, your request was denied and the BCD was subsequently approved at all levels of review, and on 30 January 1976, 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 assertions of prejudice treatment or racism and suffering from a post-traumatic stress

disorder (PTSD). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive drug related misconduct. Finally, regarding your assertion of suffering from PTSD, the Board determined that you did not provide a diagnosis and that the severity of your misconduct outweighed the mitigation of your possible diagnosis. 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 within one year from the date of the Board's decision. 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director