



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

[REDACTED]  
Docket No. 7049-16

NOV 2 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your reconsideration request received on 9 August 2016. You previously petitioned the Board and were advised in our letter of 23 June 2016, that your application had been denied. Your case was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to *Lipsman v. Secretary of the Army*, 335 F.Supp.2d 48 (D.D.C. 2004).

The Board found it in the interest of justice to consider your request. In this regard, your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records (BCNR) including [REDACTED] on 16 August 2017. The vote was unanimous. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You enlisted in the Navy and began a period of active duty on 5 January 1970. As a result of suspected wrongful use, possession, and sale of marijuana and other drugs, on 6 January 1971 you were advised of your rights and made a voluntary statement admitting to the wrongful use of marijuana on several occasions. On 28 January 1971, you were convicted at a summary court martial (SCM) for being on a status of unauthorized absence (UA) for a period of 20 days. As a result of the foregoing, on 24 February 1971, you were notified that you were being processed for an administrative discharge at which time you elected to consult counsel and waived your right to an administrative discharge board. On 22 March 1971, you were discharged with a general under honorable conditions characterization of service.


After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and your contention that you were young and that everyone makes mistakes. The Board did not have access to your medical records. You allege that you

were abused by medical during your exit physical. It appears that happened after the Navy had processed your discharge, thus it had not effect on your discharge. The Board determined that the severity of your misconduct outweighed your desire to upgrade your characterization of discharge. The Board concluded there was no error or injustice in your record. Accordingly, your application has been denied.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board and could include information from your medical record. In the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,



Executive Director