



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 5573-01
10 August 2001

[REDACTED]

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 7 August 2001. 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.

The Board found you enlisted in the Marine Corps on 1 July 1975 at the age of 21. Your record reflects that on 24 April and again on 27 May 1976 you received nonjudicial punishment (NJP) for disobedience and possession of marijuana seeds. On 23 October 1976 you were convicted by summary court-martial (SCM) of consuming alcoholic beverages while on duty and possession and use of marijuana. You were sentenced to confinement at hard labor for a month, reduction to paygrade E-1, a \$200 forfeiture of pay.

Your record further reflects that on 18 February 1977 you were convicted by SCM of an 18 day period of unauthorized absence (UA) and were sentenced to confinement at hard labor for 22 days and a \$100 forfeiture of pay.

Subsequently, you were processed for an administrative separation in accordance with the Marine Corps Expeditious Discharge Program. When you were notified of this action and advised that you could receive a general discharge, you said that "I desire a discharge from this Marine Corps like an honorable discharge but I'll take this one." You also said that your poor performance and attitude resulted from "unnecessary harassment." On 7 March 1977 the discharge authority directed a general discharge under honorable conditions, and on 10 March 1977 you were so discharged.

At the time of your separation character of service was based, in part, on conduct and overall trait averages which were computed from marks assigned during periodic evaluations. Your conduct average was 3.4. However, an average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contentions that you were fraudulently enlisted, railroaded out of the Marine Corps, and tricked into accepting a general discharge. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive drug related misconduct, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, the Board noted that you have submitted no evidence to support your contentions, and the record contains no such evidence. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

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,

W. DEAN PFEIFFER
Executive Director