



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

CRS
Docket No: 9807-02
2 May 2003

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 30 April 2003. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 12 January 1971. The record reflects that you received four nonjudicial punishments. Your offenses included an unauthorized absence of one day, absence from your appointed place of duty on two occasions, failure to obey a lawful order, and possession of marijuana and heroin.

On 29 November 1972 the commanding officer recommended that you be separated with a general discharge by reason of unfitness due to drug abuse. When informed of this recommendation, you elected to waive the right to submit a statement in response to the discharge action. Subsequently, you received a fifth nonjudicial punishment for unauthorized absences totalling 14 days. After review by the discharge authority, the recommendation for separation was modified and on 11 January 1973 you received a general discharge by reason of unfitness due to substandard personal behavior.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, because of your extensive disciplinary record. Therefore, the Board concluded that no change to the discharge 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