



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

FC
Docket No: 03742-03
14 October 2003

[REDACTED]

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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 8 October 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 8 October 1968 at age 19. You served without incident until 11 December 1969, when you received nonjudicial punishment (NJP) for a brief period of unauthorized absence. You were awarded restriction and extra duty.

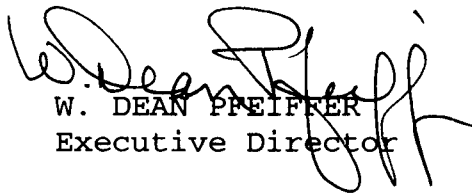
On 21 April 1970 you were convicted by general court martial (GCM) of selling phencyclidine hydrochloride (PCP) and using marijuana. You were awarded confinement at hard labor, reduction to paygrade E-1 and a bad conduct discharge (BCD).

On 25 August 1970, you waived the right to request restoration to duty and requested immediate execution of the BCD adjudged by the GCM. On 27 August 1970, upon completion of appellate review, you were separated with a BCD.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, the length of time that has passed since you were discharged from the Navy. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your conviction by GCM of serious drug-related misconduct and your waiver of the right to request restoration to duty. 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