



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

SJN
Docket No: 05774-11
22 March 2012



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 20 March 2012. 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.

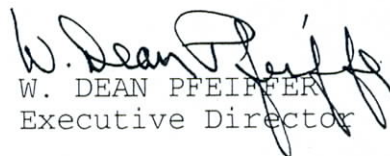
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 28 September 1972. The Board found that during the period from 24 January to 18 September 1973, you received five nonjudicial punishments (NJP's) for unauthorized absence (UA), two instances of wrongful possession of marijuana, introduction of marijuana onboard ship, six instances of being absent from your appointed place of duty, insubordinate conduct, disobedience, and breaking restriction. On 20 September 1973, you were convicted by special court-martial (SPCM) of UA, assault, communicating a threat, breaking restriction, and two specifications of disrespect. You were sentenced to a forfeiture of pay, confinement at hard labor, and a bad conduct discharge (BCD). On 25 March 1974, you received a sixth NJP for six instances of being absent from your appointed place of duty, two instances of disobedience, and dereliction of duty. You received the BCD on 17 December 1974 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge and contention that your misconduct was caused by the medication you were taking at the time. Nevertheless, based on the information currently contained in your record, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given your six NJP's, two of which involved wrongful possession of drugs and SPCM conviction of very serious offenses. Concerning your contention of being medicated during the commission of your misconduct, there is no evidence in the record to support it, and you submitted no such evidence. 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. 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