



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

SJN  
Docket No: 00457-13  
23 October 2013



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 22 October 2013. 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.

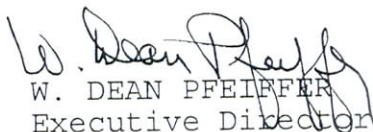
You enlisted in the Marine Corps and began a period of active duty on 26 June 1973. The Board found that on 11 July 1973, you submitted a sworn statement regarding your wrongful use of drugs. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board. Your case was forwarded stating that you were separated with a general discharge by reason of misconduct on 26 July 1973. On 27 January 1983, your characterization of service was changed to honorable as a result of a civil action suit. Enclosed is a copy of your Certificate of Release or Discharge from Active Duty (DD Form 214) and original honorable discharge certificate, which was found when your record was ordered due to an incorrect address.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and desire to have the authority for your honorable discharge removed from your DD Form 214. Nevertheless, the Board found that these factors were not sufficient to warrant removing the reason for

your discharge upgrade given your sworn statement regarding your wrongful use of drugs, a copy of which is enclosed, and favorable district court decision. 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

Enclosures