



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5912-98

7 May 1999

[REDACTED]

Dear [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 4 May 1999. 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 24 March 1998 at age 19. Seven days later, on 31 March 1998, a Navy drug laboratory reported that your urine sample had tested positive for Amphetamine/Methamphetamine.

On 1 April 1998 you were notified of separation processing due to the positive urinalysis. In connection with this processing you elected to waive all of your procedural rights. On 2 April 1998 the separation authority directed an entry level separation. You were so separated on 7 April 1998. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You state in your application that you graduated from a Christian high school and do not use drugs. You speculate that a person on an airplane in which you were flying gave you pills for your headache must have given you the drug for which you tested positive.

There is no evidence in the record, and you have submitted none, concerning your version of events. In the absence of such

evidence the Board concluded that you were properly discharged based on the positive urinalysis.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged because of drug abuse. Since you have been treated no differently than others discharged for that reason the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. 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