



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

TJR  
Docket No: 6290-98  
20 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, 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 18 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Naval Reserve on 24 February 1994 and began a three year period of active duty on 23 December 1994. Your record shows that on 14 and 15 November 1995 you were in an unauthorized absence (UA) status for two days. However, no disciplinary action was taken for this period of UA.

Your record further reflects that on 18 January 1996 you received nonjudicial punishment (NJP) for a six day period of UA, two incidents of wrongful use of marijuana, and two incidents of wrongful use of cocaine. The punishment imposed was restriction and extra duty for 45 days, reduction to paygrade E-1, and forfeitures totaling \$854. Subsequently, you were notified that administrative separation action had been initiated by reason of misconduct due to drug abuse/use. At this time you waived your rights to consult with legal counsel or to present your case to an administrative discharge board. Shortly thereafter, on 26 January 1996, you received NJP for disorderly conduct. The punishment imposed was forfeitures totalling \$500 and restriction for seven days.

Subsequently, your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse. On 28 February 1996 the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and to assigned you an RE-4 reenlistment code. On 5 March 1996 you were so discharged.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity, and your contention that you would like your reenlistment code changed so that you may reenlist. The Board further considered your contentions that you were unable to reenlist because your wife's misconduct was taken into consideration, and your performance was not properly recognized. However, the Board found the evidence and materials submitted were not sufficient to warrant a change of your reenlistment code given the seriousness of your drug related misconduct. Further, an individual separated by reason of misconduct must receive an RE-4 reenlistment code. Given all the circumstances of your case the Board concluded your reenlistment code was proper as issued and no change is warranted. Accordingly, your application has been denied.

The Board also noted that you are entitled to submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Boards, attention: Naval Discharge Review Board, Building 36, Fourth Floor, Washington Navy Yard, 901 M Street, S. E., Washington, DC 20374-5023 for consideration of an upgrade of your discharge and a change in your narrative reason for discharge.

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

Enclosure