



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

TRG
Docket No: 7758-98
21 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 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Delayed Entry Program (DEP) of the Naval Reserve on 21 January 1995. On 3 May 1995 you enlisted in the Navy at age 19. On 9 May 1995 a Navy drug laboratory reported that a urinalysis showed that you had used marijuana. Based on the positive urinalysis you were processed for an administrative separation by reason of "erroneous enlistment - drug abuse". In connection with this processing you elected to waive your procedural rights. On 12 May 1995 the separation authority directed an entry level separation and you were so separated on 17 May 1995. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In your application you are requesting that the reason for discharge be changed to "preservice drug abuse" and the reenlistment code be changed so that you can enter the Army.

In reaching its decision the Board was aware that upon enlistment in the DEP, you would have been informed of the Navy's policy on drug abuse. The Board was also aware that Navy regulations do not set forth a reason for separation of "preservice drug abuse." The reason for separation of "erroneous enlistment-drug abuse"

means you would not have been enlisted in the Navy if it had known of your preservice drug abuse in the DEP. Given the positive urinalysis, the Board concluded that you were properly separated because of an erroneous enlistment.

Regulations require the assignment of an RE-4 reenlistment code in most cases when an individual fails to complete Navy recruit training and requires that code when an individual is separated based on a positive urinalysis. Since you have been treated no differently than others separated 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