



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

ELP  
Docket No. 8181-01  
11 April 2002

[REDACTED]

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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 Navy Records, sitting in executive session, considered your application on 10 April 2002. 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.

You enlisted in the Navy on 30 November 2000 for four years at age 26. At the time of your enlistment, you had more than three months of active service in the Army National Guard. During the enlistment processing, you signed a statement that you had not used drugs and had been advised that you would receive a drug test within 72 hours of reporting to recruit training. On the date of your enlistment, you re-certified that you had not used and drugs.

On 12 December 2000 a Navy drug laboratory reported that your urine sample submitted on 1 December 2000 had tested positive for cocaine. Thereafter, you were notified that separation processing was being initiated by reason of erroneous enlistment as evidenced by a confirmed positive urinalysis for cocaine. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. On 15 December 2000 the discharge

authority directed an uncharacterized entry level separation by reason of erroneous enlistment due to drug abuse. You were so discharged on 20 December 2000 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals separated by reason of erroneous enlistment due to drug abuse. Since you have been treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted. 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