



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

TRG  
Docket No: 3049-02  
29 August 2002

[REDACTED]

[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 27 August 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 20 June 1996 at age 18. The record shows that you received two nonjudicial punishments for writing a bad check, an unauthorized absence of about two days, absence from your appointed place of duty and disobedience. On 11 December 1998, a Navy drug laboratory reported that a urinalysis showed that you had used cocaine.

Based on the foregoing record, you were processed for an administrative discharge. In connection with this processing, you elected to waive your procedural rights. In his recommendation for discharge, the commanding officer stated, in part, as follows:

(he) has consistently displayed himself as a below average Sailor. He has three office hours which stem from his being UA on multiple occasions. Writing bad checks, and even burning himself with a cigarette. .... His command requested a psychiatric exam and he was diagnosed as having a severe personality disorder. Recently, he received trial by summary court-martial for testing positive for cocaine ....

After review, the discharge authority directed your discharge under other than honorable conditions by reason of misconduct, and you were so discharged on 16 April 1999. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, the documentation you submitted showing that you are an emergency medical technician, and your contention that you have matured and become a productive citizen. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record and drug abuse.

The Board concluded that the discharge was proper as issued and no change is warranted.

Regulations require the assignments of an RE-4 reenlistment code when an individual is discharged under other than honorable conditions by reason of misconduct. Since you have been treated no differently than others in your situation, 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