



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

WMP

Docket No: 3902-02
3 October 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 2 October 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.

The Board found that you enlisted in the Naval Reserve on 4 April 1983 at age 19 and immediately commenced a 36 months of active duty. On 25 April 1983 the results of your initial entry drug screening urinalysis were positive for opiates.

On 9 May 1983 you were notified that separation action was being initiated by reason of misconduct due to drug abuse. You were advised of and retained all of your procedural rights. On 11 May 1983 a urinalysis screening was conducted during which you denied any drug abuse and were found not to be drug dependent. You provided a detailed statement on this date in which you again denied any use of illegal drugs.

On 16 June 2001 your separation was approved, and on 21 June 1983 you received an uncharacterized entry level separation by

reason of misconduct due to drug abuse, and were assigned an RE-4 reenlistment code.

Regulations authorize the issuance of an entry level separation to individuals during their first 180 days of continuous active military service. Therefore, the uncharacterized entry level separation you received on 21 June 1983 was appropriately issued since you were separated within the first 180 days of continuous active military service due to your positive urinalysis for opiates. 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