



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

TRG
Docket No: 7324-00
4 April 2001

[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 3 April 2001. 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 on 22 July 1999 you were granted a waiver for using marijuana four times. At that time, you acknowledged that drug use would not be tolerated and that urinalysis testing would occur when you reported to active duty. On 27 July 1999 you enlisted in the Delayed Entry Program of the Naval Reserve and, on 1 October 1999, you enlisted in the Navy at age 18. On 14 October 1999 the Navy Drug Laboratory reported that your accession urinalysis showed that you had used marijuana.

Based on the positive urinalysis, you were processed for an administrative separation by reason of erroneous enlistment due to drug abuse. In connection with this processing, you elected to waive your procedural rights. After review, the separation authority directed an entry level separation and you were so separated on 27 October 1999. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code when an individual is separated from Navy recruit training due to drug abuse. 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