



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

SJN  
Docket No: 04147-07  
6 February 2008

[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 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 29 January 2008. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 14 March 1986 after serving over three years of honorable service. You served over 11 years without incident until 21 March 1997 when you received nonjudicial punishment (NJP) for wrongful use of cocaine.

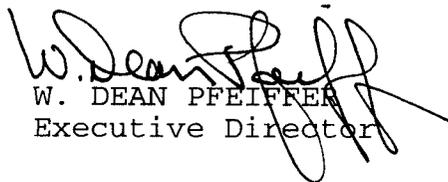
On 31 March 1997, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. You elected to consult with legal counsel and requested an administrative discharge board (ADB).

On 14 May 1997, an ADB unanimously found that you had committed misconduct due to drug abuse, and recommended discharge under honorable conditions. Subsequently, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 14 July 1997, the discharge authority directed a general discharge by reason of misconduct. On 27 July 1997 you were so discharged. At that time, you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, Good Conduct medals, Navy Achievement Medal, and overall record of your last period of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change to your reenlistment code given your NJP for drug abuse. In this regard, an RE-4 reenlistment code is required when a Sailor is discharged due to misconduct. 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