



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

SMW
Docket No: 5727-07
7 February 2008

[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 6 February 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.

On 21 March 2005, you enlisted in the Marine Corps at age 18. During the period 15 September 2005 to 20 June 2006, you had two nonjudicial punishments (NJP's) and were convicted by a summary and a special court-martial. Your offenses included three instances of unauthorized absence (UA) totaling about 110 days and use of marijuana.

On 7 July 2006, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct, drug abuse, and commission of a serious offense. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 17 July 2006, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 13 July 2006, you acknowledged by service record entry that you were not recommended for reenlistment. On 14 July 2006, you were

separated with an OTH discharge by reason of misconduct due to drug abuse and assigned an RE-4B reenlistment code.

Regulations authorize the assignment of an RE-4B reenlistment code to members who are not recommended for reenlistment and discharged due to an in-service drug related offense. Given the reason for discharge and 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-4B reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether the characterization of service or reason for separation should be changed, since you have not exhausted your administrative remedy of applying to the Naval Discharge Review Board (NDRB). You may apply to the NDRB by submitting the enclosed DD Form 293 to the address set forth on the form.

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

Enclosure