



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

TRG

Docket No: 6370-07
30 January 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 24 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 31 January 2005 after four years of active duty on a prior enlistment. You then served without incident for about two years. On 15 February 2007, you received nonjudicial punishment for use of a controlled substance.

Although the discharge processing documentation is not filed in your record, it is clear that you were processed for an administrative discharge by reason of misconduct due to drug abuse. On 14 March 2007 you were discharged under other than honorable conditions by reason of drug abuse. 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 discharged under other than honorable conditions by reason of drug abuse. Since you have been treated no differently than others in your situation, the Board concluded that the discharge was proper as assigned and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board is prohibited from reviewing discharges or reasons for discharge in cases such as yours until the case has first been reviewed by the Naval Discharge Review Board (NDRB). In order to petition the NDRB, you must complete the enclosed application, DD Form 293, and send it to the address indicated 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