



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

CRS
Docket No: 7225-07
4 February 2008

[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 30 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.

The Board found that you enlisted in the Navy on 16 March 2004. You appeared before an administrative discharge board (ADB) on 12 May 2005. A Navy Investigative Service (NIS) agent testified at the ADB that you had attempted to buy drugs from a NIS informant on numerous occasions. The ADB found that you had committed misconduct, and recommended that you be separated from the Navy by reason of misconduct with a general discharge. After review by the discharge authority, the recommendation for separation was approved and you were separated from the Navy on 12 July 2005 with a general discharge and assigned a reentry code of RE-4.

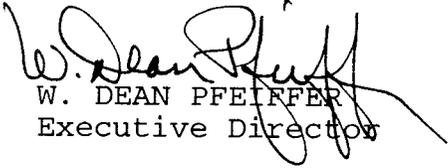
In its review of your application, the Board carefully considered your contentions that you have never used drugs and that your discharge is limiting your employment options. The Board found the first contention to be unsubstantiated, and the second is insufficient to warrant granting your request. The Board believes you were fortunate to have received a general discharge, as a discharge under other than honorable conditions would have been appropriate in your case.

Applicable regulations require the assignment of an RE-4 reentry code when an individual is discharged due to misconduct.

Accordingly, and as you have not demonstrated that it would be in the interest of justice to amend your reentry code as an exception to policy, 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