



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

TJR
Docket No: 7996-07
17 September 2008

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 16 September 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 enlisted in the Navy on 23 July 1997 at age 21 and served for two years and three months without disciplinary incident. However, the record reflects that on 13 October 1999, your urine sample tested positive for marijuana. As a result, on 17 March 2000, you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was restriction and extra duty for 30 days, a reduction in paygrade, and a \$1,000 forfeiture of pay, which was suspended for six months. On 30 March 2000 you again received NJP for wrongful use of marijuana and were awarded restriction and extra duty for 30 days, a reduction in paygrade, and a \$1,000 forfeiture of pay.

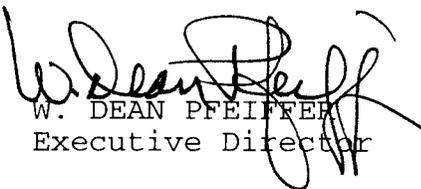
Subsequently, you were processed for an administrative discharge by reason of misconduct due to drug abuse. The discharge authority directed an other than honorable discharge by reason of misconduct, and on 5 May 2000 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to have your reenlistment code changed so that you may reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the seriousness of your repetitive drug related misconduct which also resulted in an other than honorable discharge. Further, an RE-4 reenlistment is required when a Sailor is discharged under these conditions. 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