



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

SMS  
Docket No: 1779-08  
9 October 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 8 October 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.

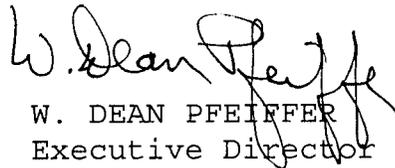
On 18 March 2007, you acknowledged the Navy's drug policy, which prohibits the use of illegal drugs. On 19 March 2007, you enlisted in the Navy at age 22. On 20 March 2007, your accession urinalysis tested positive for marijuana. On 26 March 2007, your commanding officer recommended you for an entry level separation by reason of erroneous entry due to drug abuse. In connection with this processing, you acknowledged the separation action. On 29 March 2007, the separation authority approved the discharge recommendation and directed an entry level separation by reason of erroneous entry due to drug abuse. On 4 April 2007, you were so discharged and assigned an RE-4 reenlistment code.

Regulations direct the assignment of an RE-4 reenlistment code to members who are discharged by reason of erroneous entry due to drug abuse. Given your positive urinalysis, 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-4 reenlistment code. 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