



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

SMS
Docket No: 2243-08
6 November 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 5 November 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.

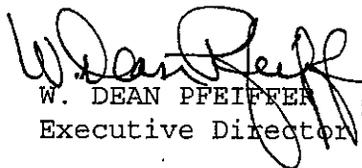
On 18 May 1999, you enlisted in the Navy at age 18. On 19 August 1999, you received a medical evaluation that diagnosed you as having a depression disorder not otherwise specified, oppositional defiant disorder, cannabis dependence, and severe alcohol abuse. On 23 August 1999, your commanding officer initiated an entry level separation by reason of erroneous entry due to drug abuse and convenience of the government discharge due to a physical or mental condition not a physical disability. In connection with this processing, you acknowledged the separation action. On 26 August 1991, the separation authority approved the discharge recommendation and directed an entry level separation by reason of erroneous entry due to drug abuse. On 2 September 1999, 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 potential mitigation, such as your youth. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge or changing the reenlistment code. In this regard, regulations authorize an uncharacterized entry level separation if the processing of a service member's discharge begins within 180 days of entry on active duty. Further, an uncharacterized entry level separation is

not considered derogatory. Regarding the reenlistment code, regulations direct the assignment of an RE-4 reenlistment code for service members who are discharged by reason of erroneous entry due to drug abuse. Given your diagnoses that resulted in discharge after about three months of active service and since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the entry level separation or assignment of the RE-4 reenlistment code. Therefore, the Board concluded that the discharge was proper as issued and no changes are warranted. 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