



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

SMS  
Docket No: 3447-08  
8 January 2009

[REDACTED]

[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 7 January 2009. 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 8 February 2000, you enlisted in the Navy at age 20. On 15 March 2000, you began an unauthorized absence (UA) that ended on 19 March 2000, a period of four days. It appears that you were given a urinalysis upon return from your UA that tested positive for marijuana. Apparently, your commanding officer subsequently recommended you for an entry level separation by reason of erroneous entry due to drug abuse that occurred before you enlisted in the Navy. In connection with this processing, you would have acknowledged the separation action and been given an opportunity to submit a statement. On 24 March 2000, the separation authority approved the discharge recommendation and directed an entry level separation by reason of erroneous entry due to drug abuse. On 28 March 2000, you had nonjudicial punishment for the four day period of UA and use of marijuana. On 31 March 2000, you were discharged with an entry level separation by reason of

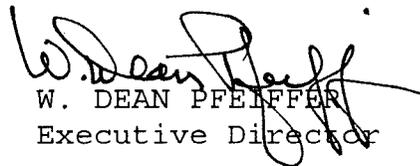
erroneous entry due to drug abuse and assigned an RE-4 reenlistment code.

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

The Board noted that although the Navy may not consider waiving an RE-4 reenlistment code, other branches of the armed forces, such as the Army National Guard, may consider such a waiver.

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