



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

TRG
Docket No: 3832-08
25 September 2008

[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 3 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 11 January 1994. The next day, apparently based on your statement, you were diagnosed as being cannabis dependent. A service record entry dated 18 January 1994 states that you had admitted using marijuana about 1000 times from October 1991 to August 1993. Additionally, you admitted to using amphetamines and hallucinogens on several occasions.

Based on the dependency diagnosis, you were processed for an administrative separation by reason of a void enlistment. You indicated at that time that you did not object to separation. After review, the separation authority directed that your enlistment be voided and you were so discharged on 27 January 1994. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations allow for an enlistment to be voided when an individual is found to be drug or alcohol dependent upon enlistment. Since you were diagnosed as being drug dependent, the Board concluded that your separation from the Navy was proper.

Regulations require the assignment of an RE-4 reenlistment code when an individual's enlistment is voided. 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