



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

SMS
Docket No: 4456-08
4 December 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 3 December 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 19 June 2006, you enlisted in the Navy at age 20. On 23 June 2006, the results of your accession urinalysis were positive for amphetamines, methamphetamines, and Ecstasy. On 28 June 2006, 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 and declined to submit a statement. On 30 June 2006, the separation authority approved the discharge recommendation and directed an entry level separation by reason of erroneous entry due to drug abuse. On 6 July 2006, 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. The Board also considered your contention that your urinalysis found no evidence of drugs before you enlisted in the Navy. Nevertheless, the Board concluded that these factors and

contention were not sufficient to warrant changing the reason for your discharge or the reenlistment code due to your urinalysis that tested positive for drugs after you reported to recruit training. Further, regulations authorize the assignment of an RE-4 reenlistment code to service members who are discharged by reason of erroneous entry. Since you have been treated no differently than others in your situation, the Board concluded that the discharge was proper as issued and no change is 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, 1


W. DEAN PFEIFFER
Executive Director

Copy to:
The Honorable Hank Johnson