



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

CRS
Docket No: 4482-08
14 July 2008



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 9 July 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.

The Board found that you reenlisted in the Navy on 13 May 1993 with more than one year of prior active service. You received two nonjudicial punishments for offenses that included operating a vehicle while under the influence of alcohol and use of a controlled substance.

On 2 December 1994 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to drug abuse, commission of a serious offense, and alcohol abuse rehabilitation failure. After being informed of the recommendation for separation, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved, and on 4 January 1995 you were separated with a discharge under other than honorable conditions, and assigned a reentry code of RE-4.

The Board carefully considered your contentions to the effect that your reentry code should be corrected because it was the first and only offense of your service. The Board concluded,

however, that as the assignment of a reentry code of RE-4 is required when an individual is discharged by reason of misconduct, and as you have not demonstrated that it would be in the interest of justice for the Board to grant an exception to that policy, there is no basis for any corrective action in your case. 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