



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

SJN
Docket No: 07014-08
5 June 2009

[REDACTED]

Dear [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 2 June 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.

You reenlisted in the Navy on 22 March 2001 after six years of honorable service. You served for over 10 years and were advanced to paygrade E-4.

On 16 March 2005, you received nonjudicial punishment (NJP) for wrongful possession and use of marijuana. You received a reduction in paygrade, a forfeiture of pay, and restriction.

On 21 March 2005, you signed a performance evaluation in which you were not recommended for retention. That evaluation assigned an adverse mark of 1.0 in military bearing due to your NJP. You were honorably discharged from active duty at the expiration of your enlistment. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, Good Conduct Medals, the overall record of your last period of service, and the reason you were not permitted to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code. In this regard, an RE-4 reenlistment code is required when an

individual is separated at the expiration of his term of active obligated service and is not recommended for retention. Additionally, the Board noted that you were fortunate to receive an honorable discharge since a discharge under other than honorable conditions is often directed for drug possession and use. 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 PFRIFFER
Executive Director