



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

SJN
Docket No: 011815-08
21 October 2009

[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 14 October 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 enlisted in the Navy and began a period of active duty on 16 February 1994 at age 18. On 27 September and 17 October 1995, you received nonjudicial punishment (NJP) for assault and disrespect.

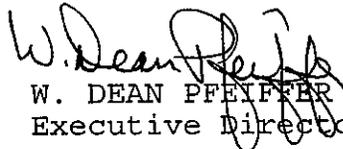
On 6 December 1995, as a result of a background investigation, it was determined that you failed to disclose your pre-service drug use. As a result of your failure to disclose this information, your commanding officer (CO) initiated administrative discharge action by reason of fraudulent entry as evidenced by your concealment of your pre-service drug use.

On 9 December 1995, your CO forwarded his recommendation that you be discharged due to fraudulent enlistment with a general discharge. In his recommendation, the CO stated, in part, that because of your extensive use of drugs prior to entry into the service and concealment of past drug use coupled with your record of NJP, you could no longer be trusted. You were so discharged on 26 December 1995. 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 youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in the reasons for your discharge or reenlistment code since you were discharged by reason of fraudulent enlistment for failure to disclose all of your pre-service drug use. Furthermore, an RE-4 reenlistment code must be assigned under such circumstances. 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