



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

TJR  
Docket No: 4534-09  
13 April 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 13 April 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 14 January 1992 at age 20 and served without disciplinary incident. However, your record contains two administrative remarks entries dated 16 January 1992 which reflect your pre-service civil misconduct and drug involvement. You were advised at that time that although you were being retained, any further misconduct would result in an administrative discharge. Shortly thereafter, a third administrative remarks entry was placed in your record because you were in an unauthorized absence status for nearly 17 hours.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to self-referral of in-service drug use. The discharge authority directed your commanding officer to issue you a general discharge by reason of misconduct due to drug abuse. On 6 October 1992, 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 potentially mitigating factors, such as your youth and desire to change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of the reenlistment code because of the seriousness of your drug related misconduct. Finally, an RE-4 reenlistment code is required by regulatory guidelines when a Sailor is discharged by reason of misconduct due to drug abuse and not recommended for retention or reenlistment. Accordingly, your application has been denied.

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