



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

SJN  
Docket No: 12792-09  
16 September 2010



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 14 September 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 and began a period of active duty on 14 September 2001. The Board found you served without incident for over four years until 21 June 2006, when you were convicted by special court-martial (SPCM) of making false official statements, wrongfully importing Dianabol and Deca Durabolin, controlled substances, into the United States, and using steroids. You were sentenced to a reduction in paygrade, a forfeiture of pay, confinement, and a reprimand. You were allowed to remain on active duty and were honorably released from active duty on 7 October 2006, at the expiration of your enlistment. At that time, you were not recommended for retention based on your SPCM conviction, and assigned an RE-4 reenlistment code. You were honorably discharged on 13 September 2009.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record 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 a Sailor is separated at the expiration of his term of active obligated service and is not recommended for retention. 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