



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

BAN
Docket No: 00595-10
4 October 2010

[REDACTED]

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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 21 September 2010. 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 9 August 1988, and served without disciplinary incident until 14 February 1991, when you received nonjudicial punishment (NJP) for the illegal use of a controlled substance (marijuana). Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to drug abuse. You exercised your right to request an administrative discharge board (ADB). Although the ADB voted to retain you, your commanding officer recommended to the separation authority to separate you with a general characterization of service. The separation authority approved the recommendation and on 1 August 1991, you were separated with a general characterization of service and an RE-4 (not recommended for retention) reenlistment code due to misconduct (drug abuse-use).

In January 2010, you petitioned this Board for a change to your RE-4 reenlistment code. Your record and reenlistment code are presumed to be correct without any additional information to the contrary. The Board noted that an RE-4 reenlistment code means that your commanding officer did not recommend you for retention due to your drug abuse.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your reenlistment code because of your drug abuse. 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