



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

REC  
Docket No: 01033-10  
15 October 2010

[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 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 reenlisted in the Navy on 10 June 1983, after more than three years of honorable service. On 23 July 1986, you received nonjudicial punishment (NJP) for the wrongful use of marijuana. On 30 July 1986, administrative discharge action was initiated by reason of misconduct (drug abuse). On 2 October 1986, your case was heard by an administrative discharge board (ADB), which voted two to one in favor of an other than honorable (OTH) discharge due to misconduct (drug abuse). On 5 November 1986, your commanding officer concurred with the ADB's recommendation and forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct (drug abuse). However, on 12 March 1987, you received a second NJP for the wrongful use of marijuana. On 5 May 1987, you received the OTH due to misconduct (drug abuse). 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 prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or

characterization of your discharge given your record of two NJP's, for drug abuse (use). An RE-4 reenlistment code is required when an individual is discharged due to misconduct such as drug abuse. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you may be eligible for veterans' benefits that accrued during your first period of service. Whether or not you are eligible for benefits based on this period of service is a matter under the cognizance of the Department of Veterans Affairs (DVA). If you have been denied benefits, you should appeal that denial under procedures established by the DVA.

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