



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

SJN
Docket No: 03505-10
28 February 2011

[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 23 February 2011. 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 9 March 2007. The Board found that the record reflects your accession urinalysis tested positive for marijuana. On 17 September 2007, your commanding officer directed your separation. Subsequently, on 21 September 2007 you were discharged with an entry level separation by reason of erroneous enlistment due to drug abuse. At that time, you were assigned a RE-4 reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post-service accomplishments, character letters, desire to change your RE-4 reentry code, letter from the Military Defender and contention of recruiter wrongdoing. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your RE-4 reentry code given your drug use. In this regard, you were assigned the appropriate reentry code based on your circumstances. With regard to your contention, the record shows that you signed an Administrative Remarks (NAVPERS

1070/613) dated 29 August 2007, stating that you had completed the Navy's "Zero Tolerance for Drug Screening" training modules and successfully passed the 24 hour pre-accession drug testing. Subsequently, you were held accountable for your drug use and appropriate action was taken against the recruiters involved. 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