



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

TAL  
Docket No: 1358-11  
4 November 2011

[REDACTED]

[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 2 November 2011. 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 28 April 2008 at age 20. You participated in an accession urinalysis which tested positive for marijuana use. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for an entry level separation by reason of erroneous entry (drug abuse). In connection with this processing, you would have acknowledged the separation action and the separation authority would have approved a recommendation for separation. The record clearly shows that on 15 May 2008, you were discharged with an entry level separation by reason of erroneous entry (drug abuse). At that time you were assigned an RE-4 reentry code, which means that you were neither recommended nor eligible for reenlistment.

The Board in its review of your entire record and application carefully weighed all potential mitigation, such as your youth and overall record of service. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your reentry code given the seriousness of your misconduct. Applicable regulations require the assignment of an RE-4 reentry

code to individuals who are separated due to erroneous entry based on pre-service use of drugs. 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