



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

SJN  
Docket No: 2932-14  
31 October 2014

5 U.S.C 552(b) (6)

Dear 5 U.S.C 552(b) (6)

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 October 2014. 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 17 November 1994. Based on the information currently contained in your record, your accession urinalysis tested positive for marijuana. Subsequently, administrative separation was initiated and after being afforded your procedural rights, you were discharged on 16 December 1994 with an entry level separation by reason of erroneous entry due to drug abuse. At that time you were assigned an RE-4 (not recommended for reenlistment) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your short period of service and reason for your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant changing

your entry level separation or your reentry code given your apparent erroneous entry. In this regard, individuals separated within the first 180 days of service are discharged without a characterization of service and you were assigned the appropriate reentry code based on your circumstances.

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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL  
Executive Director