



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

TAL

Docket No: 3278-14
6 November 2014

[REDACTED]
[REDACTED]
[REDACTED]
Dear [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. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 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 9 October 2013. You tested positive for pre-service use of marijuana.

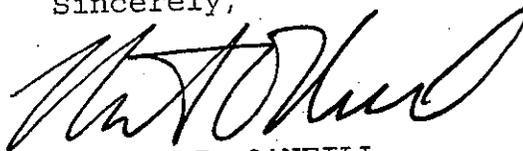
Subsequently, you were notified of pending administrative separation due to fraudulent entry. Your commanding officer recommended an entry level discharge by reason of fraudulent entry (drug abuse). The discharge authority approved this recommendation and directed an entry level separation by reason of fraudulent entry (drug abuse). On 12 November 2013 you were so discharged and assigned an RE-3J reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to serve your country. Nevertheless, the Board concluded this factor was not sufficient to warrant a change in the reenlistment code given the seriousness of your misconduct.

Additionally, an RE-3J reenlistment code may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether you meet the requirements for reenlistment. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director