



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

TAL
Docket No: 4134-14
7 May 2015

[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.

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 22 April 2015. 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 31 July 2007. On 8 August 2007, you were the subject of a mental health evaluation after experiencing anxiety attacks; you stated in part that you had shortness of breath, heart pounding, dizziness and poor concentration. Further you reported using cocaine, marijuana, mushrooms and ecstasy prior to your enlistment and did not disclose this information to your recruiter. You were diagnosed with anxiety disorder and drug abuse that existed prior to your enlistment.

Subsequently, you were notified of pending administrative separation by reason of fraudulent entry due to drug abuse. Your commanding officer directed your separation. On 31 August 2007, you were discharged with an entry level separation by reason of fraudulent entry due to drug abuse. At that time, you were assigned a reenlistment code of RE-4.

The Board in its review of your entire record and application carefully weighed all potentially mitigating factors, such as your character letters and desire to change your narrative reason for separation and reentry code. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your failure to reveal prior drug use. Applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to fraudulent entry based on pre-service use of drugs. 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 "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director