



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

SJN
Docket No: 5125-14
23 December 2014

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 December 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.

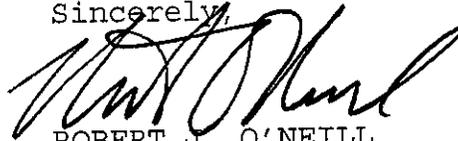
You enlisted in the Navy and began a period of active duty on 25 June 2004. Based on the information currently contained in your record, on 7 April 2005, you received nonjudicial punishment (NJP) for wrongful use of a controlled substance. You received a reduction in paygrade, a forfeiture of pay, restriction and extra duty. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. It appears that you waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board (ADB). The separation authority directed an OTH discharge by reason of misconduct. You were so discharged on 20 April 2005. At that time, you were assigned an RE-4 (not recommended for reenlistment) reentry code. On 19 July 2013, the Naval Discharge Review Board upgraded your characterization of service to general.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to change your RE-4 reentry code. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant changing your reentry code given your NJP for wrongful drug use. In this regard, an RE-4 reentry code is required when a Sailor is discharged due to misconduct and is not recommended for retention. Accordingly, your application has been denied.

With regard to your request to correct your time in service, please be advised that because your request is for an administrative correction, which does not require action by this Board, you may submit your request to the Department of Navy, Navy Personnel Command (BUPERS), Code Pers-312, 5720 Integrity Drive, Millington, TN 38055-3120 to request administrative corrections and the reissuance of a new DD Form 214, if warranted.

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,



ROBERT J. O'NEILL
Executive Director