



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

TAL
Docket No: 812-14
3 February 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 28 January 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 28 January 2002. On 11 June 2002, during a security clearance background interview you disclosed pre-service drug use of marijuana and crystal methamphetamine. You stated you were hospitalized, near death, after a bad reaction to crystal methamphetamine, and participated in a 30 day outpatient rehabilitation program.

Subsequently, you were notified of pending administrative separation by reason of fraudulent entry. Your commanding officer directed your separation. On 18 July 2002 you were discharged with an entry level separation by reason of fraudulent entry. 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 desire to upgrade your 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. The Board thus concluded that there is no error or injustice in your reenlistment code. 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,



ROBERT J. O'NEILL
Executive Director