



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

[REDACTED]
Docket No: 03204-16/
05214-02

APR 20 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 13 April 2016. You previously petitioned the Board and were advised in our 16 July 2002 decision, that your application had been denied. Your case was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to *Lipsman v. Secretary of the Army*, 335 F.Supp.2d 48 (D.D.C. 2004).

Although your application was not filed in a timely manner, your application was submitted with a new basis for relief not previously considered and the Board found it in the interest of justice to consider this new assertion. Specifically, you state in your current petition that you wish to correct your narrative reason of "drug abuse" and change your reenlistment (RE) code of RE-4 because you never used drugs. You also state there was no proof you used drugs. Your current request with the new assertion has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 12 January 2016. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your application and any material submitted in support of your application.

After careful and conscientious consideration of the entire record, the Board determined that your request for a change to your narrative reason and RE-4 code was not supported by the information in your record or by the information you provided in your request. Specifically the Board noted that in January 2000, Commanding Officer, Recruit Training Command initiated an administrative separation against you on the basis of erroneous enlistment due to borderline personality disorder and an "evaluation of alcohol and cannabis dependency." Applying the presumption of regularity, the Board concluded that the commanding officer based his narrative reason of "drug abuse" on the evaluation of drug dependency reflected in your record, and on your undisclosed drug use prior to enlistment. The Board concluded that you committed the misconduct of erroneously enlisting without full disclosure of drug use, and that the commanding officer's notification provided sufficient information to support the narrative reason of drug abuse. Furthermore, the Board found the RE-4 code was appropriate because of the erroneous enlistment, and did not merit a change. The Board concluded that your record does not reflect an error or injustice that requires correction. Accordingly, your application has been denied.

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It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,

[REDACTED]

Executive Director