



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3411-01
18 October 2001

[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 16 October 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 3 August 1999 at age 28. On 30 September 1999 you were diagnosed with attention deficit/hyperactivity disorder. In addition, you were evaluated for substance abuse. You admitted that you consumed 15 to 24 Drinks day from ages 19 to 24 and used marijuana every day from age 25 until one week before you reported for recruit training. Based on your admissions, you were diagnosed with alcohol and marijuana dependence.

Based on the foregoing diagnoses, you were processed for an administrative separation. At that time, you elected to waive your procedural rights. After review, the separation authority directed an entry level separation by reason of erroneous enlistment. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You contend in your application that the reenlistment code should be changed because your recruiter told you not to mention your drug and alcohol abuse or your attention deficit/hyperactivity disorder. However, the Board notes that you were not separated because of fraudulent enlistment but because of an erroneous enlistment. This means that your enlistment was in error because

your attention deficit/hyperactivity disorder and drug and alcohol dependence were bars to enlistment. Therefore, the Board concluded that you were properly discharged by reason of erroneous enlistment.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is separated by reason of erroneous enlistment, and such a code is normally assigned when the underlying reason for separation is drug and alcohol dependence. Since you have been treated no differently than others separated for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 or other matter not previously considered by the Board. 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,

W. DEAN PFEIFFER
Executive Director