



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

TRG
Docket No: 4688-01
29 November 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 27 November 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 17 October 2000 at age 18. On 30 October 2000 you were an unauthorized absentee for about 19 hours. The next day, you were referred to the recruit mental health clinic. At that time, you stated that you had used marijuana twice a week from age 13, had used Ritalin, and had been arrested for selling Ritalin. In addition, you threatened to commit suicide if you were not separated. You were diagnosed with an adolescent onset type conduct disorder and cannabis dependence.

Based on the foregoing diagnoses, you were processed for an administrative separation. At that time you elected to waive your procedural rights. Prior to separation, you acknowledged the diagnosis of cannabis dependence and were advised to seek treatment after separation. On 8 November 2000, the separation authority directed an entry level separation by reason of erroneous enlistment due to preservice drug abuse, and the assignment of an RE-4 reenlistment code. You were so separated on 9 November 2000.

Regulations require the assignment of an RE-4 reenlistment code when an individual is separated because of erroneous entry due to drug abuse. 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