



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

TJR
Docket No: 4957-01
26 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, 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 23 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 20 April 2000 at the age of 18. Your record reflects that on 30 May 2000, during a substance abuse evaluation, you reported a three year history of such abuse. The evaluation report noted, in part, as follows:

(Member) reported pattern of substance abuse: alcohol/2-3 beers a month, cannabis/daily, cocaine/once; (Member) is somewhat vague, but reports a 3-year history of cannabis dependence. He reports being arrested for possession of marijuana, and has occasionally sold small amounts. diagnoses: cannabis dependence, existed prior to entry (EPTE).

On 31 May 2001 you were notified of proposed actions for an administrative separation by reason of erroneous enlistment due to drug abuse. You waived the right to respond to the notification and did not object to the separation. On 6 June

2001 you were separated from the Navy with an uncharacterized entry level separation by reason of defective enlistment and induction/erroneous enlistment due to drug abuse, and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. The Board also considered your contention you were assigned an RE-4 reenlistment code because you were having family problems at the time of your separation. However, the Board concluded these factors and contention were not sufficient to warrant a change in your reenlistment code. The Board concluded that the diagnosis of cannabis dependency and other substance abuse were sufficient to support the assignment of an RE-4 reenlistment code. Further, such a code is mandatory when individuals are separated by reason of erroneous enlistment due to drug abuse. Given all the circumstances of your case, the Board concluded the assigned reenlistment code was proper and no change is warranted. 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