



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

ELP
Docket No. 5792-01
7 December 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 Navy Records, sitting in executive session, considered your application on 4 December 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 Naval Reserve on 22 August 2000 for eight years at age 18. At that time, you acknowledged that drug usage in the Navy was prohibited and would not be tolerated.

You were ordered to active duty for a period of three years on 28 September 2000. On that date, you acknowledged that you understood that you would receive a drug test within 72 hours of reporting to recruit training, and stated that you had not used any illegal drugs, abused alcohol, or participated in aberrant behavior since you enlisted. The record reflects that a Navy drug laboratory reported that your urine sample, submitted on 29 September 2000, tested positive for marijuana.

On 20 October 2000 you were notified that administrative separation action was being initiated by reason of defective enlistment and induction due to erroneous enlistment as evidenced

by the positive urinalysis. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment due to drug abuse. You were so discharged on 27 October 2000 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous entry-drug abuse. Since you were treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board concluded the 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