



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

WMP  
Docket No: 3737-02  
26 November 2002

[REDACTED]

[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 20 November 2002. 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.

The Board found that you enlisted in the Navy on 16 November 2000 for four years at age 34. On 16 March 2001, a Navy drug laboratory reported that the results of a random drug screening urinalysis had tested positive for amphetamines and methamphetamines. As a result of this positive urinalysis, on 2 April 2001 you received nonjudicial punishment (NJP) for wrongful use of a controlled substance. NJP was also imposed for failure to go to our appointed place of duty. The punishment imposed was forfeitures of \$585 per month for two months, 45 days of restriction and extra duty, and reduction to paygrade E-2.

On 3 July 2001, you were notified that separation action was being initiated by reason of misconduct due to drug abuse. You were advised of and waived all of your procedural rights.

On 3 July 2001, your commanding officer forwarded the separation action, recommending an other than honorable discharge due to misconduct, to the discharge authority. On 30 July 2001 discharge was directed and, on 6 August 2001, you were discharged under other than honorable conditions. At that time, an RE-4 reenlistment code was assigned.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your contention that you never used drugs and that the urine specimen was taken before a weekend. However, the Board concluded that the record fully supported the other than honorable discharge, based on the positive urinalysis. Furthermore, the Board noted that you have provided no evidence to support your contentions that you never used drugs or that the urine tested was not yours. Concerning the RE-4 reenlistment code, such a code must be assigned when an individual is discharged by reason of misconduct. 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