



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

TJR
Docket No: 5818-02
15 August 2002

[REDACTED]

[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 13 August 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 18 October 1999 at the age of 20. Your record contains a drug and alcohol report, dated 28 October 1999, which states that you were referred for administrative separation because your urine sample tested positive for marijuana.

Subsequently, you were notified that administrative separation had been initiated by reason of erroneous entry due drug abuse as evidenced by a positive urinalysis. You waived the right to respond to the notification and did not object to the separation. On 3 November 1999 the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry due to drug abuse. On 8 November 1999 you were so separated from the Navy 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, post service conduct, and your contention that you were told that you could reenlist in the Navy

six months after your separation. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change in the reenlistment code. Such a code is mandatory when an individual is separated by reason of erroneous entry due to drug abuse. Further, there is no evidence in the record, and you submitted none, to support your contention that you told by Navy authorities that you could reenlist six months after your separation. 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