



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

WMP

Docket No: 1284-02

9 May 2002

[REDACTED]

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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 8 May 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 1 May 2000 for four years at age 24 as an AA (E-2). On 8 May 2000, the results your initial entry drug screening urinalysis tested positive for marijuana.

On 10 May 2000 you were notified that separation action was being initiated by reason of defective enlistment and induction due to erroneous enlistment, as evidenced by the positive urinalysis for marijuana. You were advised of and waived all of your procedural rights concerning the proposed separation. On 11 May 2001, separation was approved. On 17 May 2000 you received an uncharacterized entry level separation by reason of erroneous entry due to drug abuse, and you were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to an individual separated by reason of erroneous enlistment due to drug abuse. Therefore, the RE-4 reenlistment code was properly assigned since you were appropriately separated due to the urinalysis that showed pre-service drug use. 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