



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

FC
Docket No: 01288-03
31 July 2003

[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 23 July 2003. 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.

The Board found that you enlisted in the Navy on 23 May 2000 at age 18. On 19 April 2001, you were counseled about drug and alcohol abuse and directed to abstain from such abuse and to complete alcohol and drug abuse treatment.

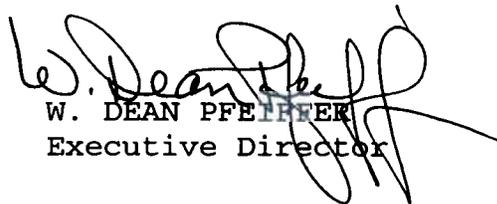
On 17 May 2001 you were notified of administrative separation processing because of drug rehabilitation failure. On that same day, you signed a service record page acknowledging the assignment of an RE-4 reenlistment code. Although the documents concerning your administrative separation processing are not in the record, the Board presumed that you were properly processed for separation. The record clearly shows that on 18 May 2001, you received an honorable discharge by reason of drug rehabilitation failure because of your failure to comply with treatment rules following two weeks in the partial hospitalization treatment program.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to drug or alcohol rehabilitation failure. Accordingly, given the reason for your separation and your failure to comply with

alcohol and drug treatment rules, the Board concluded that the RE-4 reenlistment code was properly assigned. Accordingly, your request 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