



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

TJR  
Docket No: 8281-11  
18 August 2011

[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 16 August 2011. The names and votes of the members of the panel will be furnished upon request. 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 Reserve on 3 August 1995 at age 17 and began a period of active duty on 6 May 1996. Although your record is incomplete, it does reflect that on 29 July 1999 you received nonjudicial punishment (NJP) for wrongful use/possession of controlled substances. The punishment imposed was reduction to paygrade E-3 and a forfeiture of pay, all of which was suspended. The record further reflects that you were to be processed for an administrative separation due to the imposition of the NJP. Nonetheless, the record does not reflect such action. About eight months later, on 6 March 2000, it appears that you agreed to remain on active duty for three months. However, the reason for this three month extension is not reflected in the record.

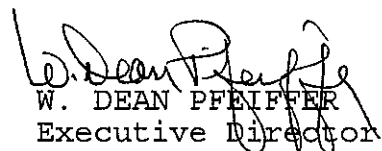
On 5 August 2000, while serving in paygrade E-4, you were honorably released from active duty upon completion of your required active service. At that time you were assigned an RE-4 reenlistment code. Subsequently, you were issued a Certificate of Release or Discharge from Active Duty (DD Form 214).

The Board, in its review of your record, although incomplete, and application with attachments, carefully weighed all potentially mitigating factors, such as your period of satisfactory service and desire to change your reenlistment code so that you may enlist in another branch of service. It also considered the administrative remarks (Page 13) entries provided with your application and your assertion that due to clerical errors it was incorrectly prepared. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your drug related misconduct which resulted in an NJP and is sufficient to support the assignment of an RE-4 reenlistment code, which is authorized and required by regulatory guidance. The Board also concluded that you were fortunate not to have been administratively processed for separation as a result of your drug related misconduct of "zero tolerance" of drug abuse in the Navy. Further, the Board concluded that since the Page 13 was not included in your official military personnel file, it could not be reviewed as authentic evidence. Finally, the Board also noted that at the time of your separation you acknowledged and/or verified, by your signature and initials, the information contained on your DD Form 214, to include the assignment of the RE-4 reenlistment code. Accordingly, your application has been denied.

The Board suggested that you may wish to apply for a waiver of your RE-4 reenlistment code with branches of the armed forces other than the Navy.

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