



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

BJG
Docket No: 4388-13
11 July 2013

[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 9 July 2013. 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.

You enlisted in the Marine Corps and entered active duty on 27 April 2009. On 12 July 2010, you voluntarily admitted to wrongfully using "Spice", a type of synthetic cannabis. On 14 July 2010, you accepted nonjudicial punishment (NJP) rather than demand a court-martial. On the same day, you were found guilty at NJP of the wrongful possession of "Spice". You did not appeal. You were then notified that you were being recommended for administrative separation with an other than honorable (OTH) characterization of service due to misconduct. You exercised


your procedural right to have your case heard by an administrative discharge board, which met, found that you had committed misconduct, and recommended that you be separated with an OTH characterization of service. On 14 January 2011, you were so separated, and assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and allegation that the membership of your ADB was flawed. However, the Board concluded that you were correctly assigned the RE-4 reentry code in light of your admitted possession and use of "Spice". Regarding your allegation, the Board found that the membership of the ADB was concurred with by defense counsel. You are advised that the mere passage of time or post service good conduct do not require the upgrade of a reentry code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Since your discharge is less than 15 years old, you have not exhausted your administrative remedy of applying to the Naval Discharge Review Board (NDRB) for a possible discharge upgrade. I have enclosed NDRB's application form for your convenience.

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 PREINKER
Executive Director

Enclosure