



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

TRG
Docket No: 967-01
12 July 2001

[REDACTED]

Dear [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 10 July 2001. 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.

On 30 June 2000 you enlisted in the Delayed Entry Program of the Naval Reserve. On that same day, you completed an "Illicit Behavior Screening Certificate" in which you denied prior drug use; were advised that drug abuse in the Navy would not be tolerated; and acknowledged that you would be subjected to a urinalysis within 72 hours of arrival at recruit training, and would be discharged if the result was positive for drug use. On that same date, you also denied prior drug use on the Record of Military Processing-Armed Forces of the United States (DD Form 1966).

On 28 July 2001 you enlisted in the Navy for 4 years. On that same date, you certified that the information you provided on the DD Form 1966 was still correct. On 7 August 2000 a Navy drug laboratory reported that the accession urinalysis showed that you had used marijuana. Based on the positive urinalysis, you were processed for an administrative separation. You did not wish to be separated and requested retention in the Navy. A recruit evaluation done at that time rated you as poor in your use of spare time, fair in six other categories and good in one category. The evaluation comments noted that you often frequented sickcall and you did not participate in division

evolutions. Subsequently, your request for retention was denied. On 22 September 2000 the separation authority directed an entry level separation and you were so separated on that same day. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In support of your application you have provided a letter of appreciation concerning your outstanding performance while serving at the Recruit Training Command from 29 July to 21 September 2000. However, this letter may have been issued in error since the recruit evaluation report indicates that your performance was not outstanding and is signed by the Commanding Officer, Recruit Training Command, the same individual who directed your separation on 22 September 2000. However, even if it was properly issued, the Board assumed that the commanding officer was aware of both the favorable and unfavorable aspects of your performance, and decided that your drug use warranted separation. In this regard, the Board noted that you were advised that such abuse would not be tolerated and would result in separation.

Regulations require the assignment of an RE-4 reenlistment code to individuals separated from recruit training by reason of erroneous enlistment due to drug abuse. Since you have been treated no differently than others separated for this reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

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