



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

ELP
Docket No. 2685-01
17 August 2001

[REDACTED]

Dear [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 Navy Records, sitting in executive session, considered your application on 15 August 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.

The Board found that you enlisted in the Naval Reserve on 26 July 1995 for eight years at age 18. You were ordered to active duty for four years on 22 January 1996.

The medical record reflects that on 24 January 1996 you disclosed behavior problems, alcohol abuse, and psychiatric counseling from April 1994 to May 1995. The record also indicates that you failed to advise recruiting personnel about any of the foregoing. You also stated that you had been treated prior to enlistment for substance abuse and dependence. Thereafter, a medical officer diagnosed you as alcohol dependent.

On 27 January 1996 you were notified of administrative separation action that could result in your release from the custody and control of the Armed Forces by reason of defective enlistment due to erroneous entry as evidenced by the diagnosed alcohol dependence. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own

behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge directed that your enlistment be voided. On 5 February 1996 you were separated by reason of "erroneous entry-alcohol abuse" and assigned an RE-4 reenlistment code.

Federal law requires that an enlistment be voided if an individual is determined to be drug or alcohol dependent within 72 hours of reporting for an initial period of active duty. Regulations also require the assignment of an RE-4 reenlistment code to individuals separated by reason of "erroneous entry-alcohol abuse." Your contention that an officer told you in recruit training that you could come back in after a year is neither supported by the evidence of record nor by any evidence submitted in support of your application. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted. 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