



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

TJR
Docket No: 4114-01
21 November 2001

[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 14 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 7 March 2000 at the age of 17.

Your record contains an enlisted performance evaluation for the period 1 June 2000 to 9 March 2001 which noted that you were being processed for separation after your urine had tested positive for drugs during a command random urinalysis screening.

This evaluation also noted that you were not recommended for retention or reenlistment. The commanding officer's comments noted as follows:

Evaluation submitted on occasion of Member's separation from the NAVAL service under other than honorable (OTH) conditions. (Member) tested positive for drug use during command urinalysis screening. Effectively avoided responsibility and demonstrated poor judgment. Tolerated hazardous and unsafe practices as noted. He did not take direction well and failed to adhere to the Navy's "Zero Tolerance" drug policy.

Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse, and on 9 March 2001 you were so discharged. At that time you received an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your discharge and bar from reenlistment are unfair because you should not be punished forever for one mistake. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge or a change in your reenlistment code because of your drug related misconduct. The Board further noted that your drug use was a direct danger to other in regard to your trade as an air traffic controller. Given all the circumstances of your case, the Board concluded your discharge and reenlistment code were proper as issued 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