



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

TRG
Docket No: 4281-01
16 November 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 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 28 May 1996 at age 18. The record shows that you received nonjudicial punishment for disobedience and disrespect. In addition, you were counseled concerning your abuse of drugs. You were released from active duty on 27 May 2000 with your service characterized as honorable. At that time you were assigned an RE-4B reenlistment code.

You contend in your application that you should have been assigned an RE-1 reenlistment code because a summary court-martial found you not guilty of drug abuse. However, the ruling in your case did not establish your innocence of drug use but only concluded that insufficient evidence had been submitted to support a finding of guilty because no one testified at trial concerning certain aspects of the positive urinalysis report. The documentation showing a positive urinalysis still remains in your record and is sufficient to support the counseling entry.

Regulations allow for the assignment of an RE-4B reenlistment code when there is a record of inservice drug abuse. Your record shows that the Marine Corps apparently has concluded that since you were not convicted, an RE-4B reenlistment code was not

appropriate. Accordingly, on 5 June 2000, a DD Form 215 was issued to show that on 27 May 2000 you were assigned an RE-4 reenlistment code instead of the RE-4B Reenlistment code. The RE-4 reenlistment code means that you were not recommended for reenlistment based on your entire record.

The Board concluded that the nonjudicial punishment and counseling entry were sufficient to support 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