



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

TRG
Docket No: 6992-00
15 June 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 12 June 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 Navy on 3 August 2000 at age 20. On 9 August 2000 the Navy drug laboratory reported that urinalysis showed that you had used marijuana. Based on the positive urinalysis, you were processed for an administrative separation. However, you objected to separation and requested retention in the Navy. On 8 September 2000 the Commanding Officer, Recruit Training Command recommended that the Navy Personnel Command grant a waiver for your drug use and direct retention. The commanding officer stated, in part, as follows:

... He joined the Delayed Entry Program on 31 July 00 and shipped to boot camp only 3 days later, on 3 August 00, far too short a period for his recruiter to have infused any Navy Core Values. ... The Recruit Division Commander notes that "(he) is coming along well and working well with other recruits Based on the above, I believe that (he) has potential for future successful naval service.

Apparently the commanding officer changed his mind because, on 22 September 2000, he directed an entry level separation by reason

of erroneous enlistment and the assignment of an RE-4 reenlistment code. You were so separated on 25 September 2000.

Regulations require the assignment of an RE-4 reenlistment code when an individual is separated by reason of erroneous enlistment due to drug abuse. Since you have been treated no differently than others separated for that 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