



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

TJR
Docket No: 7230-01
5 April 2002

[REDACTED]

[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 2 April 2002. 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 25 June 1997 at the age of 17.

Your record contains a Drug and Alcohol Abuse Report (DAAR) dated 2 July 1997 which indicates that your urine sample had tested positive for marijuana. As a result of the foregoing, on 3 July 1997, you were notified that administrative separation had been initiated by reason of erroneous enlistment due to drug abuse. You waived the right to respond to the notification and did not object to the separation. On 10 July 1997 you were separated with an uncharacterized entry level separation by reason of erroneous enlistment due to drug abuse, and were assigned 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. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your drug related misconduct. The Board concluded that the narrative reason for separation and type

of discharge were sufficient to support the assignment of an RE-4 reenlistment code. Such a code is mandatory when an individual is separated by reason of erroneous enlistment due to drug abuse. Given all the circumstances of your case, the Board concluded the assigned 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