



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

TRG
Docket No: 1967-02
18 December 2002

[REDACTED]

[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 17 December 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 11 April 2000 at age 19. You received nonjudicial punishment on 8 December 2000 for an unknown offense. Subsequently, you were processed for an administrative discharge by reason of misconduct due to drug abuse. On 15 April 2001 you were issued a general discharge by reason of misconduct. At that time you acknowledged that you were not recommended for reenlistment due to your drug abuse and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your initial period of good service. The Board also considered and your contentions that you only used steroids so you could qualify as a Navy SEAL, and were unaware that using steroids was considered to be drug abuse. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge. The Board believed that your contentions were considered when the decision was made to issue you a general discharge, since a discharge under other than honorable conditions is authorized and normally issued when an individual is separated by reason of misconduct. The Board concluded that the discharge was proper as

issued and no change is warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Since you have been treated no differently than others in your situation, 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.

You are still eligible to have your case heard by the Naval Discharge Review Board. Therefore, if you have not already done so, you should complete the enclosed application, DD Form 293, and sent it to the address indicated on the form.

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

Enclosure