



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

FC
Docket No: 07224-02
21 April 2003

[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 16 April 2003. 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. In addition, the Board considered the advisory opinion furnished by the Navy Environmental Health Center (NEHC) dated 20 February 2003.

The Board found that you enlisted in the Navy on 26 February 2002 at age 18. On 6 March 2002 the Navy drug laboratory advised the commanding officer that your accession urinalysis tested positive for cocaine. As a result, on 8 March 2002 you were notified of administrative separation processing. On 4 April 2002, the commanding officer authorized separation, and on 16 April 2002, you were so discharged with an entry-level separation by reason of erroneous enlistment due to drug use. At that time, you were assigned a reenlistment code of RE-4.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to an erroneous enlistment due to drug use. Given the positive urinalysis test for cocaine, the Board concluded that the reason for discharge and the RE-4 reenlistment code were properly assigned. Further, the Board concurred with the findings and recommendation furnished by NEHC that stated that it was highly unlikely that passive exposure to "crack" cocaine would have resulted in a concentration over the Department of Defense

cutoff level and recommended disapproval of your request. The Board also noted that during your separation processing, a chemist at the drug laboratory provided input that is basically consistent with that provided by NEHC.

Accordingly, your request 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