



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

TRG  
Docket No: 7393-01  
22 February 2002

[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 20 February 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 24 August 1987 at age 20. You then served without incident until 13 December 1990. On that date you received nonjudicial punishment for use of marijuana. The punishment imposed included a reduction in rate from FN (E-3) to FA (E-2). The enlisted performance record (page 9) shows that in the next two performance evaluations, for the periods ending 31 January 1991 and 23 August 1991, you received above average marks. You were released from active duty in the rate of FA on 23 August 1991, with your service characterized as honorable. At that time you acknowledged that you were not recommended for reenlistment and were assigned an RE-4 reenlistment code because of your failure to meet professional growth criteria. Subsequently, you were issued an honorable discharge at the end of your military obligation.

In reaching its decision, the Board noted that the nonjudicial punishment for wrongful use of marijuana is considered to be a serious offense and current regulations require processing for discharge under other than honorable conditions, for such an offense. It could also be used to support a non-recommendation for reenlistment and the assignment of an RE-4 reenlistment code.

In addition, regulations require the assignment of an RE-4 reenlistment code to an individual who fails to meet professional growth criteria because he is separated in pay grade E-2 after an extended period of active duty. 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.

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