



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

CRS
Docket No: 9936-06
25 January 2008

[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 December 2007. 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.

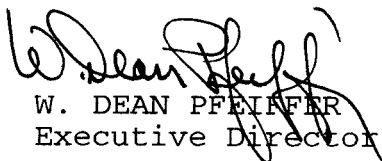
The Board found that you reenlisted in the Navy on 9 July 2004 after more than eight years of prior active service. On 28 February 2006, an administrative discharge board (ADB) recommended retention despite your admitting that you used drugs during your first enlistment. Your commanding officer also recommended retention but stated that an erroneous enlistment discharge was an option. On 25 May 2006 the Navy Personnel Command (NPC) directed that another ADB be convened due to your sworn admission of drug use. The command was also advised that the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN) would review the recommendation. On 19 June 2006, after you waived a second ADB, your commanding officer recommended that you be separated with an honorable discharge by reason of best interest of the service. On 18 July 2006 the NPC advised your command that ASN had approved the recommendation. On 2 August 2006 you received an honorable discharge by reason of best interest of the service and were assigned a reentry code of RE-4.

Applicable regulations permit the assignment of an RE-4 reentry

code when an individual is discharged for the best interest of the service. As the separation authority determined that you lacked potential for future productive service, and that you had disregard for Navy core values, a reentry code of RE-4 was properly assigned in your case. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to change that code, 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