



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

SMS  
Docket No: 8539-08  
28 May 2009



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 27 May 2009. 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.

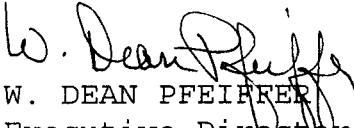
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 26 April 1988, you enlisted in the Navy at age 18. On 16 October 1989, you self-referred for cocaine use. On 2 January 1990, a substance abuse report stated that you were not dependent or amenable to treatment, and recommended separation. Based on the information currently contained in the record, it appears that your commanding officer subsequently initiated administrative separation by reason of misconduct due to drug abuse, and recommended an honorable characterization of service. In connection with this processing you would have acknowledged the separation action. Apparently, the separation authority approved the discharge recommendation. On 9 March 1990, you acknowledged that you were not recommended for retention and declined in-patient substance abuse treatment at a Veterans Affairs facility. The same day you were also separated with an honorable discharge by reason of misconduct due to drug abuse and assigned an RM-4 reenlistment code.

Regulations direct assignment of an RE-4 reenlistment code to members who are discharged due to 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.

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