



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

TAL
Docket No: 00823-09
20 November 2009

[REDACTED]
[REDACTED]
[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 November 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.

You enlisted in the Navy and began a period of active duty on 20 July 1999 at age 19. Based on the information currently contained in your record it appears that your accession urinalysis tested positive for cocaine. On 2 August 1999, administrative discharge action was initiated to separate you by reason of erroneous entry, drug abuse. On 4 August 1999, your commanding officer directed your separation. Subsequently, on 9 August 1999 you were discharged with an entry level separation by reason of erroneous enlistment due to drug abuse. At that time, you were assigned a reenlistment code of RE-4.

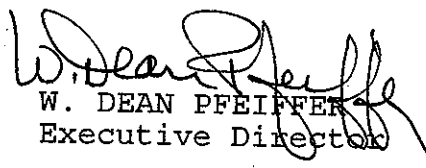
The Board in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and current desire to enlist in the Marine Corps. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your reenlistment code due to your drug abuse.

Applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to erroneous enlistment based on preservice use of drugs. The Board

thus concluded that there is no error or injustice in your 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