



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

SJN
Docket No: 04410-09
8 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 5 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.

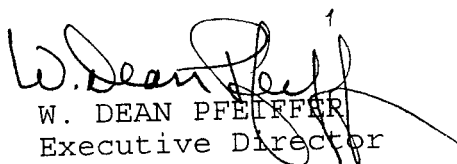
You enlisted in the Navy and began a period of active duty on 21 September 2007 at age 23. On 26 September 2007 your accession urinalysis tested positive for marijuana use. On 28 September 2007, your commanding officer directed your separation. Subsequently, on 15 October 2007 you were discharged with 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 noted that applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to erroneous enlistment based on pre-service use of drugs. The Board thus concluded that there is no error or injustice in your reenlistment code. Further, the Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, the character letters accompanying your application, short period of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to the reason for your discharge or removing the fact that you tested positive for

drug use from your official records. 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