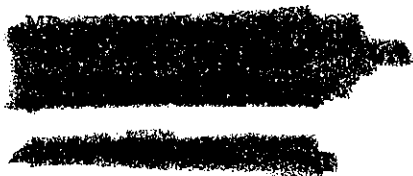




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 09023-09  
10 June 2010



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 8 June 2010. The names and votes of the members of the panel will be furnished upon request. 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.

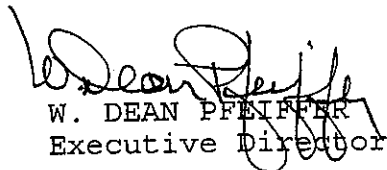
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 3 September 2008. The Board found that your record reflects you received nonjudicial punishment (NJP) for four days of unauthorized absence (UA), three instances of disobedience, use and possession of marijuana, and misbehavior of a sentinel or lookout. Subsequently, administrative discharge action was initiated for misconduct due to drug abuse. You waived your right procedural rights, including your right to an administrative discharge board (ADB). On 4 May 2009, you received an other than honorable discharge by reason of misconduct due to drug abuse. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and desire to change your RE-4 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP for serious offenses, one of which was for use and possession of drugs, or such a change of your RE-4 reenlistment code given your misconduct. In this regard, you were assigned the appropriate reenlistment code based on your circumstances. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Accordingly, your application has been denied.

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