



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

TJR  
Docket No: 11151-09  
12 August 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 10 August 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.

Your record reflects that on 21 July 1986 you signed pre-enlistment documents in which you stated "NO" to drug and alcohol abuse questions. On 22 July 1986 you enlisted in the Navy at age 22 and began a period of active duty on 5 January 1987. You served without disciplinary incident, however, on 28 April 1987, an investigation regarding wrongful use of drugs revealed that you had deliberately omitted information about your pre-service drug usage, and had failed to disclose this information for fear of not being allowed to enlist in the Navy. The report stated, in part, that during the period from August 1978 to May 1982 you had used marijuana, hashish, speed, and acid.

On 31 March 1989 you were notified of administrative separation by reason of defective and fraudulent enlistment due to your failure to disclose pre-service drug and alcohol abuse. After waiving your procedural rights to consult with legal counsel and an administrative discharge board, your commanding officer recommended an honorable discharge by reason of fraudulent entry as evidenced by you being a highly productive member, not being


the subject of any disciplinary incidents or misconduct, maintaining an overall performance and conduct average of 3.8, and exhibiting performance that was of such high caliber to earn Communicator of the Quarter. The recommendation further stated that you were well liked and had been a distinct asset to the Navy. Subsequently, the discharge authority approved this recommendation and directed your commanding officer to issue you an honorable discharge by reason of fraudulent entry, and on 17 April 1989 you were so discharged and 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 and desire to change your reenlistment code and presumably the narrative reason for separation so that you may reenlist in the armed forces. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code or narrative reason for separation because of your failure to disclose your pre-service drug and alcohol abuse. The Board concluded that your failure to disclose this information was sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Accordingly, your application has been denied.

The Board suggested that, if you wish, you may apply for a waiver of your RE-4 reenlistment code with branches of the armed forces other than the Navy.

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