



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

CRS  
Docket No: 12020-09  
29 December 2009

[REDACTED]

[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 2 December 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 14 September 1987. On 26 September 1991 you voluntarily reported that you had used approximately one-half gram of cocaine per week for the previous several months, and requested rehabilitation services. On 22 October 1991 your commanding officer recommended that you be separated from the Navy with an honorable discharge by reason of misconduct due to drug abuse. When informed of that recommendation, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 28 October 1991 you were separated by reason of misconduct with an honorable discharge, and were assigned a RE-4 reentry code. In addition, you were offered drug and alcohol abuse rehabilitation services at a Department of Veterans Affairs facility.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the contention that you never failed a drug test and did not use illegal drugs. The Board concluded that those

factors were insufficient to warrant a change in the reason for your discharge. The Board could not determine whether you abused cocaine while in the Navy, or if you fraudulently procured your discharge by falsely claiming to be a drug abuser; however, it concluded that correction of your reentry code would not be warranted in either case.

Applicable regulations require the assignment of an RE-4 reentry code when an individual is discharged by reason of 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 your reentry 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