



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: 03520-12
28 February 2013

[REDACTED]

[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 26 February 2013. 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 on 28 February 2001, and served without disciplinary incident, until 5 April 2002, when you received nonjudicial punishment for wrongful possession and use of a controlled substance (marijuana) and failure to obey a lawful order. You were recommended for separation with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived your right to consult with counsel and an administrative discharge board (ADB). The separation authority approved the recommendation and on 25 September 2003, you were separated with an OTH discharge due to misconduct (drug abuse) and an RE-4 reentry code.

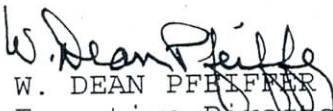
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and character references. However, the Board concluded that your RE-4 reentry code was correctly assigned due to your misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Since your discharge is less than 15 years old, you may apply to the Naval Discharge Review Board (NDRB) for a possible upgrade. I have enclosed a copy of NDRB's application form for your convenience.

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

Enclosure