



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

ELP  
Docket No. 2594-99  
3 September 1999

[REDACTED]

Dear [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 1 September 1999. 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 8 May 1996 for four years at age 19. At that time, you extended your enlistment for an additional period of 24 months in exchange for training in the advanced electronics field and advancement to pay grade E-4.

The record reflects that on 15 May 1996 a Navy drug laboratory reported that your urine sample collected on 8 May 1996 had tested positive for marijuana. Thereafter, you were notified that administrative separation was being considered by reason of defective enlistment and induction due to erroneous enlistment as evidenced by a positive accession urinalysis. You were advised of your procedural rights, declined to consult with counsel and waived your right to have your case reviewed by the general court-martial convening authority. On 20 May 1996 the discharge authority directed an entry level separation by reason of erroneous entry due to drug abuse. You received an uncharacterized entry level separation on 23 May 1996 and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are separated by reason erroneous entry due to drug abuse. The Board noted your contentions that you were discharged for lying at the moment of truth, you did not understand the opportunities ahead of you, and everyone deserves a second chance. The Board concluded that since you were treated no differently than others separated under similar circumstances, there is no error or injustice in your assigned reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted. 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