



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

ELP
Docket No. 5002-99
18 October 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 14 October 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 18 June 1998 for four years at age 17. The record reflects that on 24 June 1998 a Navy drug laboratory reported that your accession urinalysis had tested positive for cocaine.

On 26 June 1998, 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 and waived your right to review of your case by general court-martial convening authority. The discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment due to drug abuse. You were so separated on 2 July 1998 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals separated by reason of erroneous enlistment due to

drug abuse. The Board noted your statement and the letters of reference in support of your application. However, since you were treated no differently than other individuals separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The fact that you are in good physical condition, drug free, wiser because of your past mistake and now desire to be a Marine, does not provide a valid basis for changing a correctly assigned reenlistment code. The Board concluded 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