



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

TRG
Docket No: 7154-01
13 May 2002

[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 7 May 2002. 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.

In a National Agency Check Security Questionnaire, dated 4 March 2002, you answered "no" to questions concerning involvement with civil authorities and being charged with or convicted of any offense(s) related to alcohol or drugs. On 18 March 2001 you certified that your previous answers concerning drug abuse in your pre-enlistment documents were correct, and you had not used drugs since then.

You enlisted in the Navy on 19 March 2001 at age 21. Subsequently, you admitted during the "Moment of Truth" that you had a court date on 5 April 2001 for reckless driving, an offense which had occurred in December 2000. On 1 April 2001 you were charged by civil authorities with attempting to obtain controlled substances by using a forged medical prescription for an offense which occurred on 12 March 2001. The court set bail at \$10,000 and issued a warrant for your arrest.

Based on the foregoing record, you were processed for an administrative discharge by reason of fraudulent enlistment. After review, the separation authority directed an entry level separation by reason of fraudulent enlistment. You were so

separated on 11 June 2001. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You contend in your application that you did not fraudulently enlist because you were unaware of the charges against you, which were not filed until after you were on active duty. You desire a change in the reenlistment code so that you can reenter the military.

It cannot be ascertained from the record, whether or not you were arrested by civil authorities in connection with the forged prescription offense on 12 March 2001, that you were aware that the arrest warrant was being processed, or that you were convicted of that offense. The record does show that the day prior to enlisting in the Navy you again certified that you had not used drugs. Given your concealment of your preservice arrest and pending court date for reckless driving and the incomplete information on the forged prescription offense, the Board concluded that the documentation of record was sufficient to support separation processing and you were properly separated by reason of fraudulent enlistment.

Regulations require the assignment of an RE-4 reenlistment code when an individual is separation because of a fraudulent enlistment. 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 the RE-4 reenlistment 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