



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

CRS
Docket No: 756-03
3 September 2003

[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 20 August 2003. 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 20 March 2002 after more than three years of prior active service. On 21 March 2002 you submitted to an accession urinalysis that tested positive for methamphetamine/amphetamine. On 30 April 2002 the commanding officer directed your separation. On 7 May 2002 you received an entry level separation by reason of erroneous enlistment due to drug abuse. At that time, you were assigned a reenlistment code of RE-4.

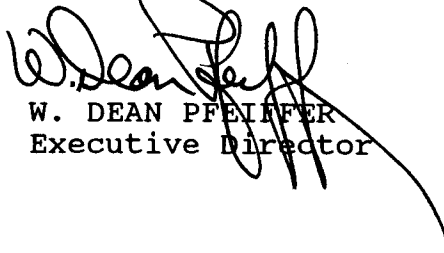
An advisory opinion, dated 21 March 2003, from the Navy Environmental Health Center recommended that your request be denied. The opinion stated that you did not offer a justifiable explanation for the positive urinalysis result from the Navy Drug Screening Laboratory. The Board substantially concurred with this conclusion. A copy of the opinion is attached.

Applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to erroneous enlistment based on preservice use of drugs. The Board

thus concluded that there is no error or injustice in your 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

Enclosure



DEPARTMENT OF THE NAVY
NAVY ENVIRONMENTAL HEALTH CENTER
620 JOHN PAUL JONES CIRCLE SUITE 1100
PORTSMOUTH VA 23708-2103

5355
CS-DL/000327
21 MAR 2003

From: Navy Drug Testing Program Manager
To: Chairman, Board for Correction of Naval Records, 2 Navy Annex, Washington, DC
20370-5100

Subj: COMMENTS AND RECOMMENDATION IN THE CASE OF [REDACTED]

Ref: (a) BCNR ltr with file AEG:jdh Docket No: 00756-03 of 20 February 03
(b) Physicians' Desk Reference, 57th edition, 2003, pg. 2675-2681.

Encl: (1) BCNR file

1. In response to the request in reference (a), a review of enclosure (1) was conducted. The following comments and recommendation are provided.

a. A positive urine drug test for methamphetamine/amphetamine was alleged to be the result of taking the prescription medication Zoloft and over-the-counter (OTC) products known as "Black Beauties" and "Yellow Jackets". The positive urine test resulted from identification of methamphetamine and amphetamine, in the urine, at a level above the Department of Defense (DoD) cutoff, by two different methods, immunoassay and gas chromatography/mass spectrometry. The positive urinalysis is indicative of recent methamphetamine ingestion, (within the last two days before the urine collection). Methamphetamine is metabolized in the body to produce amphetamine resulting in the identification of both compounds in the urine. The Navy Drug Screening Laboratory, Great Lakes, reported a methamphetamine concentration approximately 8,072 ng/mL and an amphetamine concentration of 6,820 ng/mL, consistent with recent use of illicit methamphetamine.

b. The service member provided, in reference (a), a copy of the ingredients listed in the pills "Yellow Jackets" and "Black Beauties". Both pills list ephedra extract or ephedrine as a key ingredient. Neither ephedra extract nor ephedrine, nor any other ingredient listed in these pills will produce a positive drug test for methamphetamine and/or amphetamine by the methods described above. The methamphetamine confirmation procedure uniquely identifies d-methamphetamine as the illicit form of methamphetamine. An ephedrine/pseudoephedrine control is added to the confirmation procedure to demonstrate that oxidation or destruction of these OTC products occurs and would not interfere with the methamphetamine analysis. The use of Zoloft (sertraline hydrochloride, reference (b)) will not produce a positive methamphetamine/amphetamine urine drug test.

c. The information provided in enclosure (1), is not a justifiable explanation for the positive methamphetamine/amphetamine result from the Navy Drug Screening Laboratory, Great Lakes. Correction of the former service member's record is not recommended as it pertains to the positive urinalysis test result.

Subj: COMMENTS AND RECOMMENDATION IN THE CASE OF [REDACTED]
[REDACTED]

2. If I can be of further assistance please contact me at (757) 953-0750 or by email at [REDACTED]@nehc.med.navy.mil. In my absence, please contact [REDACTED] Navy Drug Testing Program Manager at [REDACTED] or by email at [REDACTED]@nehc.med.navy.mil.

[REDACTED]

CDR, MSC, USN