



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

TRG
Docket No: 2119-01
9 August 2001

[REDACTED]

Dear [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 August 2001. 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.

You enlisted in the Navy on 21 March 2000 at age 20. On 1 May 2000 you were diagnosed with alcohol dependence and a personality disorder. In addition you were given a poor rating in six of eight evaluation categories concerning your performance in recruit training. Based on the diagnoses, you were processed for an administrative separation. In connection with this processing, you elected to waive your procedural rights. On 11 May 2000 the separation authority directed an entry level separation by reason of erroneous entry due to alcohol abuse and you were so separated on 17 May 2000. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In your application you state that you made false statements while in recruit training. However, the Board is aware that it is well settled in the law that an individual who perpetrates a fraud in order to be separated from the military should not benefit from that fraud when its is discovered.

Regulations require the assignment of an RE-4 reenlistment code when an individual is separated by reason of erroneous enlistment

due to alcohol abuse. Since you have been treated no differently than others separated for that reason, 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