



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

TRG
Docket No: 3130-02
16 August 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 13 August 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.

You enlisted in the Navy on 11 July 2000 at age 18. On 29 August 2002 your company commander recommended separation because you did not want to be in the Navy and were refusing to train. It was noted that you were unmotivated to the point that you would do anything to get out. The company commander's superior stated that you wanted out of the Navy so you could "get back on ritilin and prozac". Subsequently, a recruit aptitude board recommended an entry level separation.

On 1 September 2000 you were notified of separation processing by reason of failure to adapt to the Naval environment. In connection with this processing, you elected to waive your procedural rights. On 8 September 2000 the separation authority directed an entry level separation by reason of erroneous enlistment and you were so separated on 11 September 2000. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulation allow for the assignment of an RE-4 reenlistment code when an individual is separated due to an erroneous enlistment. The negative comments concerning your attitude and effort while

in recruit training certainly support a restrictive reenlistment code. Since you have been treated no differently than others in your situation, the Board concluded that the RE-4 reenlistment code was properly assigned.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that you were essentially processed for separation by reason of "entry level performance and conduct" and not "erroneous entry - other" as it appears on your DD Form 214. However, the only authorized reenlistment code when entry level performance and conduct is the reason for separation is an RE-4 reenlistment code. If you desire a change in the reason for separation, you should complete the enclosed application, DD Form 293, and send it to the Naval Discharge Review Board.

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