



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

TRG
Docket No: 4110-02
15 March 2002

[REDACTED]

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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 15 November 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 Marine Corps on 8 August 1981 at age 18. On 27 May 1982 you were convicted by a summary court-martial of disobedience, resisting apprehension, damaging property, and drunk and disorderly conduct. You were sentenced to 45 days hard labor without confinement and a forfeiture of \$300.

In a subsequent psychiatric evaluation, you admitted to a preservice history of drug and alcohol abuse, and hospitalizations following several suicide gestures. Subsequently, documentation was received from a community hospital to support your admissions. The evaluation resulted in your referral to an alcohol rehabilitation program. On 16 August 1982 you were diagnosed as being alcohol dependent with a history of multiple drug abuse, and administrative discharge was recommended.

Based on your concealment of your drug and alcohol abuse history and psychiatric hospitalizations, you were processed for discharge by reason of fraudulent enlistment. In connection with this processing, you stated that you did not object to the discharge and waived your procedural rights. On 24 September

1982 the discharge authority approved the recommendation of your commanding officer that you be discharged due to fraudulent enlistment with a general discharge. You were so discharged on 7 October 1982. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire to again serve in the military. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your fraudulent enlistment, disciplinary record and your diagnosed alcohol dependence. The Board concluded that the discharge was proper as issued and no change is warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to 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