



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

TRG  
Docket No: 7609-01  
21 February 2002

[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 20 February 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 6 June 2000 at age 18. Subsequently, you were referred for a psychiatric evaluation because of insomnia, vomiting after eating, and your expression of suicidal ideation. You told the psychologist of being abused by your stepmother, being suspended from school about 20 times, and attempting suicide on three occasions. The psychiatrist diagnosed you with a dysthymic disorder and recommended administrative separation.

On 22 June 2000 you were notified of separation processing due to erroneous enlistment. At that time you elected to waive your procedural rights. After review, the separation authority directed an entry level separation with an RE-4 reenlistment code. You were so separated on 28 June 2000.

You state in your application that in order to be separated from the Navy, you induced vomiting and lied about your suicide attempts and other matters. You regret your actions and desire to again serve in the military.

It is well settled in the law that an individual who perpetrates a fraud in order to be discharged should not gain by that fraud when it is discovered. Further, the Board could not tell if you were lying at the time of your separation or are lying now. The Board concluded that whichever version is correct, there is no reason to change the reason for discharge of erroneous enlistment.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is separated by reason of erroneous enlistment and such a code is normally assigned when an individual has a history of suicide attempts. 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