



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

TJR  
Docket No: 8441-06  
12 July 2007

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 10 July 2007. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 28 April 2004 at age 30 and served without disciplinary incident.

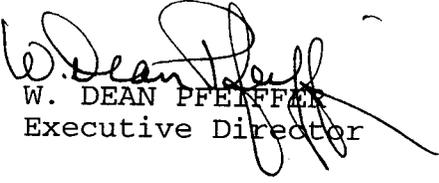
On 14 June 2004 you were diagnosed with uterine fibroid and anemia, both of which were medically correctable. Subsequently, you were recommended for separation. As a result, on 24 June 2004, you were notified of pending administrative separation action by reason of erroneous enlistment due to the diagnosed uterine fibroid and anemia. At that time you waived your right to consult with legal counsel and to submit a statement in rebuttal to the discharge action. On 29 June 2004 the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry, and on 1 July 2004 you were so separated from the Navy and were assigned an RE-3E reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your civilian medical evaluation documentation and desire to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of the diagnosed uterine fibroid and anemia. Further, an RE-3E reenlistment code is the most favorable code authorized when a Sailor is separated by reason of erroneous entry. This code does not automatically bar reenlistment, but requires that a waiver be obtained. The Board noted that you should take your civilian medical documentation to the nearest recruiting personnel office so that a determination can be made as to whether you meet the standards for reenlistment or whether or not a request for a waiver of your reenlistment code is feasible. 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