



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

SJN  
Docket No: 03183-07  
20 February 2009

[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 18 February 2009. 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 and began a period of active duty on 20 May 2000 at age 31. On 24 January 2003, the Department of the Navy, Central Adjudication Facility (DON CAF) informed you via your commanding officer (CO), of their intent to deny your security clearance due to pre-service adverse financial information that you failed to disclose when you enlisted in the Navy. On 14 April 2003, the Commander, Navy Personnel Command directed your CO to begin administrative discharge action to separate you from the service due to fraudulent entry as evidenced by your concealment of your pre-service financial problems.

On 1 December 2003, administrative discharge action was initiated. On 8 December 2003 your CO directed your separation stating, in part, that your chain of command had worked with you in an attempt to resolve your financial difficulties, but to no avail. Further, he mentioned that although a waiver request could have been submitted, you informed the command that it would be in the best interest of the Navy to be released from active duty, and that you had no desire to remain in the service.

On 12 December 2003 you were honorably discharged. At that time you were assigned an RE-4 discharge code. In this regard, an RE-4 reenlistment code is required when an individual is discharged due to fraudulent entry.

The Board, in its review of your entire application, carefully weighed all potentially mitigating factors, such as your overall record of service and the events that led to your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason for your discharge or reenlistment code given the fact that you failed to disclose all of your pre-service financial records. 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