



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

TRG  
Docket No: 4411-07  
8 July 2008

[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 1 July 2008. 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 20 November 2006 at age 19. Subsequently, based on your poor performance and desire to return home, you were referred for a psychiatric evaluation. At that time, you admitted to a history of attention deficit/hyperactivity disorder which you had not previously disclosed. After review, you were diagnosed with a mixed personality disorder with passive-aggressive traits which would affect your performance of duty. Accordingly, separation from the Navy was recommended.

On 3 January 2007 you were notified of separation processing by reason of fraudulent enlistment and elected to waive your procedural rights. After review, the separation authority directed an entry level separation and you were so separated on 18 January 2007. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

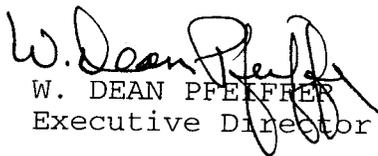
Regulations allow for the assignment of an RE-4 reenlistment code in most cases when an individual fails to complete recruit training and is normally assigned when an individual is separated because of an adverse psychiatric evaluation. Additionally, the regulations require the assignment of an RE-4 reenlistment code when an individual is separated because of 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 PFEFFER  
Executive Director