



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

TJR
Docket No: 6318-07
17 April 2008

[REDACTED]

[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 15 April 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 5 July 2006 at age 18. On 2 August 2006 you were referred for a medical evaluation and diagnosed with asthma. The physician stated that your condition was not correctable to meet Navy standards. As a result, you were administratively processed for separation. In this regard, the discharge authority directed an uncharacterized entry level separation by reason of failed medical and/or physical procurement standards as evidenced by your diagnosis of asthma. On 14 August 2006 you were so separated and at that time you were not recommended for retention or reenlistment, and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that you were denied your right to due process. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of your uncorrectable medical condition and failure to complete basic training due to this condition. Further, an RE-4 reenlistment code is authorized when a Sailor is separated by

reason of failed medical and/or physical procurement standards and is not recommended for reenlistment. 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