



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

SMW  
Docket No: 7408-07  
24 April 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 23 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.

On 14 December 2000, you enlisted in the Navy at age 19. On 15 March 2001, a medical evaluation found radiographic evidence of a defect in your lumbar spine that existed prior to enlistment. The evaluation concluded by recommending administrative separation. On that same date, another medical evaluation diagnosed you as having spondylolysis and stated that this condition was not correctable. On 2 April 2001, a medical officer recommended an entry level separation due to a condition that existed prior to enlistment that you were not aware of and was not detectable by a routine physical examination.

On 9 April 2001, your commanding officer initiated administrative separation by reason of erroneous enlistment. In connection with this processing, you acknowledged the separation action. On 16 April 2001, the separation authority

approved the separation recommendation and directed an honorable discharge by reason of erroneous enlistment. On 24 April 2001, you received a performance evaluation which did not recommend you for retention. On 17 May 2001, you acknowledged that you were not eligible for reenlistment by signing a service record entry. On 17 May 2001, you were separated with an honorable discharge by reason of erroneous enlistment and assigned an RE-4 reenlistment code.

Regulations authorize assignment of an RE-4 reenlistment code to members who are not recommended for retention or are discharged due to erroneous 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 PFEIFFER  
Executive Director