



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

SMW
Docket No: 8497-07
31 January 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 29 January 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 24 February 1997, you enlisted in the Navy at age 23 after a prior enlistment five years earlier that resulted in an entry level separation. On 28 February 1997, a medical evaluation found that you were unfit for duty due to a radical keratotomy surgery that you had several months before enlistment. On 4 March 1997, your commanding officer initiated an entry level separation by reason of erroneous enlistment due to the radical keratotomy surgery. In connection with this processing, you acknowledged the separation action and declined to submit a statement. On 4 March 1997, the separation authority approved the separation recommendation and directed an entry level separation by reason of erroneous enlistment. On 7 March 1997, you were so discharged and assigned an RE-4 reenlistment code.

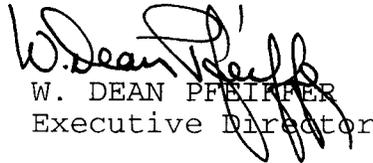
Regulations authorize the assignment of an RE-4 reenlistment code when an individual is discharged by reason of erroneous enlistment. Given your two enlistments that resulted in entry level separations by reason of erroneous enlistment and since you have been treated no differently than others in your 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.

The Board noted that you may contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120, to request administrative corrections be made on your DD Form 214, specifically, blocks 26 and 28.

Sincerely,


W. DEAN PFEIFFER
Executive Director