



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

CRS
Docket No: 10013-07
26 June 2008

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting her naval record be corrected by changing the reentry code she was assigned on 11 September 2006.

2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 June 2008 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 18 April 2006 Petitioner enlisted in the Navy. On 29 August 2006 she was diagnosed with shin splits, a condition that existed prior to enlistment. On 11 September 2006, she was separated with an entry level separation by reason of fraudulent enlistment and was assigned a reentry code of RE-4.

c. An individual may be separated by reason of fraudulent enlistment if there is false representation or deliberate concealment of a disqualifying factor. An RE-4 reentry code is required under such circumstances. An individual may be separated due to erroneous enlistment if the enlistment would not have occurred if the relevant facts had been known, but there was no fraudulent conduct on the individual's part. Applicable directives authorize the assignment of either an RE-3E or RE-4 reentry code to an individual separated for erroneous enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board believes Petitioner when she states that she knew nothing about the shin splits until she arrived at recruit training. Therefore, the Board concludes that erroneous enlistment should be the reason for discharge. Accordingly, the Board recommends that Petitioner's reason for separation be changed to erroneous enlistment vice fraudulent enlistment.

The Board also concludes that the reentry code of RE-3E should be assigned since there is no evidence that Petitioner had any performance problems or disciplinary infractions during her brief period of service and her record does not otherwise support the more stigmatizing code of RE-4.

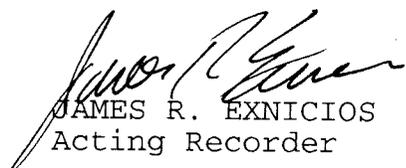
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 11 September 2006 she received an entry level separation by reason of erroneous enlistment and an RE-3E reentry code actually assigned on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby

announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director