



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

CRS
Docket No: 5709-08
18 November 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 4 November 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.

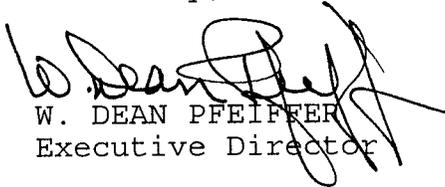
The Board found that you enlisted in the Navy on 1 August 2006. On 8 November 2006 your commanding officer recommended that you be separated by reason of fraudulent entry based on your concealment of a disqualifying mental disorder and treatment therefor. You were discharged by reason of fraudulent entry on 21 November 2006, and assigned a reentry code of RE-4.

The Board noted that a reentry code of RE-4 is required to be assigned to service members separated by reason of fraudulent entry. 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 your reentry code. The subjective improvement in the disorder which occurred after you were discharged does not alter the nature of your fraudulent enlistment, or provide a basis for changing your reentry code, which was properly assigned. In addition, the Board was not persuaded that it would be in the interest of justice to assign you a more favorable reentry code as an exception to policy. 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