



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

CRS
Docket No: 9988-08
20 July 2009

[REDACTED]

Dear [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 1 July 2009. 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 28 September 2004. On 15 December 2004 your commanding officer directed your separation by reason of erroneous entry due to your disqualifying diagnosis of oppositional defiant disorder. You were so discharged on 21 December 2004, with an entry level separation. You were assigned a reentry code of RE-4.

The Board found that a reentry code of RE-4 may be assigned to Sailors discharged by reason of erroneous entry. It is often assigned in cases such as your, where an enlistment is deemed erroneous because of a disqualifying psychological condition.

The Board carefully considered your contention to the effect that you deserve a second chance, but found it insufficient to demonstrate that your reentry code is erroneous, or to warrant the substitution of a more favorable code as a matter of clemency. 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