



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

JRE
Docket No. 11025-08
12 January 2009



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 8 January 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 served in the Marine Corps from 24 January to 7 February 2000, when you were discharged by reason of fraudulent entry based on your concealment of a suicide attempt and treatment for a disqualifying mental disorder. You were assigned a reentry code of RE-3P to indicate that you require a waiver of physical disqualification in order to be eligible to reenlist.

The Board carefully considered your contention to the effect that you lied about your mental health history in order to procure your discharge from the Marine Corps, but found it

insufficient to warrant any corrective action in your case. The Board concluded that it would not be in the interest of justice to correct your record and thereby allow you to benefit from your false statements. In addition, it is unclear if you lied to procure your discharge, or if you lied in your application for correction of your naval record. 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,



ROBERT D. ZSALMAN
Acting Executive Director