



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

CRS
Docket No: 12336-08
4 May 2009

[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 April 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 10 May 2006. On 30 May 2006 your commanding officer directed that you be separated based on your concealment of a history of asthma prior to your enlistment. On 6 June 2006 you received an entry level separation by reason of fraudulent entry and were assigned a reentry code of RE-4.

The Board noted that a reentry code of RE-4 is required by regulatory guidance 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 Board did not accept your unsubstantiated contention to the effect that you informed your recruiter of your history of asthma. It concluded that your current state of health is immaterial to the issue of the propriety of the reentry code you were assigned in 2006. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to change your reentry code as an exception to policy, 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