



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

JRE
Docket No. 00601-09
25 January 2010

[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 14 January 2010. 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.

You enlisted in the Navy on 30 September 2008. On 11 October 2008 you sought medical care for pain at the base of your spine, and disclosed that the pain had begun before you enlisted. Examination disclosed a 2cm X .5cm cyst. You were given a diagnosis of a pilonidal cyst, and recommended for discharge by reason of erroneous entry. You did not request a waiver of physical disqualification in order to remain on active duty or contest the proposed discharge. You were discharged by reason of erroneous entry on 31 October 2008 and assigned a reentry code of RE-3E.

The Board was not persuaded that your condition was misdiagnosed as a pilonidal cyst or that you were discharged from the Navy in error. It noted that you were unable to complete recruit training due to a condition which existed prior to your enlistment which you failed to disclose prior to commencing recruit training. In addition, as your reentry code is waivable, it should not preclude your reenlistment if you can demonstrate that the condition which resulted in your discharge no longer exists. 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