



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

SJN  
Docket No: 03313-09  
25 February 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 23 February 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 28 September 2004 at age 19. Based on the information currently contained in your record it appears that on 1 November 2004 you were diagnosed as having a pre-existing borderline and an avoidant personality disorder, both of which had not been disclosed prior to your entry onto active duty. On 8 November 2004, administrative separation action was initiated to separate you by reason of fraudulent enlistment. You waived your right to consult counsel or to submit a statement. On 16 November 2004 the separation authority directed that you be discharged with an entry level separation due to fraudulent enlistment. You were so discharged on 19 November 2004 and assigned a reenlistment code of RE-4.

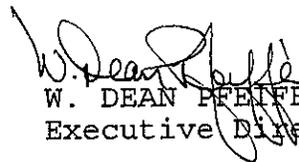
The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and short period of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your reenlistment code due to the diagnosed personality disorders that appear to have existed prior to your entry into the service,

which was not disclosed, causing your discharge by reason of fraudulent enlistment. An RE-4 reenlistment code must be assigned under such circumstances. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether to change the reason for separation because you did not request such action, and you have not exhausted your administrative remedy by applying to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

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

Enclosure