



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

REC
Docket No: 05669-09
23 February 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 18 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.

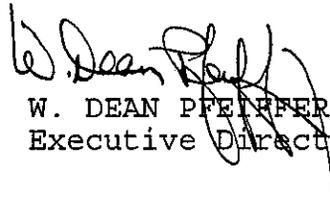
You enlisted in the Navy and began a period of active duty on 6 November 2001, at age 27. On 30 April 2003, you received a substance abuse rehabilitation evaluation and disclosed at that you had a severe pattern of alcohol abuse prior to your entry that you failed to disclose in your enlistment processing paperwork. Additionally, you disclosed that you continued this massive alcohol intake during your enlistment, by indulging in six 32 ounce mixed drinks just two days prior to commencing rehabilitation. However, it was determined that your lack of properly disclosing information warranted assigning a reenlistment code of RE-4 for fraudulent entry into the military. Such a code is required when an individual is separated by reason of fraudulent entry. On 14 May 2004, you were discharged from active duty while serving in paygrade E-3 due to fraudulent entry.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code, which was based on your fraudulent entry. In this regard, an RE-4 reenlistment code is required when an individual is

discharged for fraudulent entry and is not recommended for retention. 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