



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

TJR
Docket No: 10631-09
12 August 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 10 August 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 25 July 2007 at age 18 and served without disciplinary incident.

Your record reflects that on 27 July 2007, after being referred for a medical evaluation due to complaints of joint pain in the right ankle, you were diagnosed with chronic right ankle pain that existed prior to your enlistment. The report noted, in part, that your condition was not correctable to meet Navy standards and as such you were recommended for an expeditious administrative separation.

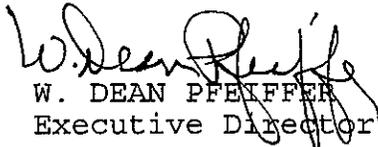
On 2 August 2007 you were notified of administrative separation by reason of defective and erroneous enlistment as evidenced by your diagnosed chronic ankle problems which existed prior to enlistment, and fraudulent entry due to your failure to disclose the history of your ankle problems. Presumably, you did not object to the separation and waived your right to submit a separation rebuttal statement. Subsequently, the discharge authority directed your commanding officer to issue you an

uncharacterized entry level separation by reason of fraudulent entry, and on 21 August 2007, while serving in paygrade E-1, you were so discharged and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code and presumably the narrative reason for separation so that you may reenlist in the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code or narrative reason for separation because of your diagnosed chronic ankle problems and which were also found to be noncorrectable to meet Navy standards. The Board concluded that your diagnosed medical problems, failure to complete recruit training, and nonrecommendation for retention or reenlistment were sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Accordingly, your application has been denied.

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