



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

REC
Docket No: 10757-09
9 July 2010

[REDACTED]

Dear [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 8 July 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 16 June 2010, at age 19. On 23 January 2008, during your initial processing at the Military Entrance Processing Station, you claimed on the report of medical history that you never had asthma or any breathing problems. However, on 19 June 2008, you were diagnosed with having asthma which was a condition that existed prior to your entry into the service. On 2 July 2008, you were informed that administrative separation processing had been initiated. You were counseled regarding your condition, and advised to seek treatment after separation. Based on the medical evaluation, you were processed for separation by reason of failed medical and physical procurement standards due to the asthma. You were advised of your rights, and you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 18 July 2008, you were discharged with an entry level separation by reason of failed medical/physical procurement standards. At that time, you were assigned a reenlistment code of RE-4.

The Board noted that applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to a medical condition that existed prior to entry into the service. The Board also noted that accompanying your application, you made the statement that prior to your enlistment you had asthma and were prescribed an inhaler, which was required to be documented and disclosed on your enlistment documentation. The Board thus concluded that there is no error or injustice in your RE-4 reenlistment code. 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