



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

REC
Docket No: 01211-10
9 November 2010

[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 9 November 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.

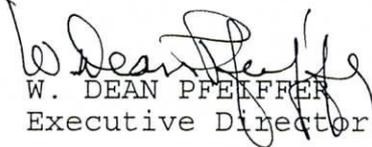
You enlisted in the Navy and began a period of active duty on 28 August 2010, at age 19. Upon your arrival at the recruit training command (RTC), you required a waiver as you never completed your initial fitness assessment while in the delayed entry program. On 31 August 2009, you reported to medical with breathing problems. At that time you disclosed that two weeks prior to reporting to RTC, you were diagnosed with mild asthma and prescribed an inhaler. However, you failed to disclose this important information on your enlistment physical. On 8 October 2009, a waiver returned disapproved for you to remain on active duty. It was determined that your lack of properly disclosing information warranted assigning of a reentry code of RE-4 for fraudulent entry into the military. On 30 October 2009, you were discharged with an entry level separation from active duty due to fraudulent entry.

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