



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

JRE
Docket No. 04551-10
11 February 2011

[REDACTED]

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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 27 January 2011. 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.

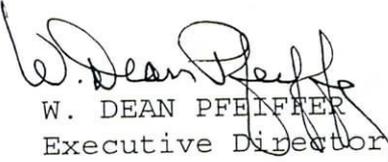
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 28 July 2005. You received an enlisted evaluation report for the period 29 September 2005-25 January 2006, in which your individual trait average was 1.0 on a 5 point scale, and you were not recommended for retention. You underwent a mental health evaluation on 24 April 2006 and were given a diagnosis of anxiety disorder, not otherwise specified, that was manifested by your inability to function appropriately when exposed to uniformed Marines. On 19 May 2006 you were discharged for the convenience of the government by reason of a physical or mental condition (a phobia of Marines) that was not considered a physical disability, and assigned a reentry code of RE-4. As you were not recommended for reenlistment, the assignment of a code of RE-4 was required.

The Board did not accept your unsubstantiated contentions to the effect that you chose to be discharged because you felt that you were not receiving proper care for a knee condition, and that you did not suffer from a mental disorder that warranted your discharge. In the absence of evidence which demonstrates that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your brief period of naval service, and establishes that you should have been recommended for reenlistment and received a more favorable reentry code than RE-4, the Board was unable to recommend corrective action in your case. 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