



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

REC

WASHINGTON DC 20370-5100

Docket No: 05157-10

17 February 2011

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 16 February 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 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 11 December 2001, at age 29. On 25 April 2003, you received nonjudicial punishment for making a false official statement, and obtaining services under false pretenses. On 2 November 2005, a review of your security clearance background report was conducted and it was determined that you failed to disclose drug involvement felony offenses on your in-processing paperwork. It was further determined that your lack of properly disclosing information warranted assigning a reentry code of RE-4 for fraudulent enlistment into the military. On 27 July 2006, you were discharged from active duty with a general discharge with the narrative reason for separation of fraudulent entry into the military service (drug abuse).

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 in your narrative reason for separation, and the reentry code, which was based on your fraudulent entry. In this regard, an RE-4 reentry 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.

Since your discharge is less than 15 years old, you may apply to the Naval Discharge Review Board (NDRB) for a possible upgrade. I have enclosed NDRB's application for your convenience.

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

Enclosure