



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

BJG
Docket No: 5569-10
18 February 2011

[REDACTED]

[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 15 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You entered active duty in the Marine Corps on 28 June 1991. While at recruit training, you were referred to the mental health unit, where you revealed that you had been treated for depression by a psychiatrist during high school, which you failed to disclose during the enlistment process. You were advised that you were to be separated due to fraudulent entry with an uncharacterized entry level separation, and assigned an RE-4 (not recommended for reenlistment) reentry code. You were so discharged on 30 August 1991.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and the fact that you are currently a commissioned officer in the Judge Advocate General's Corps in the Ohio Army National Guard. The Board concluded that your fraudulent entry reason for separation is correct due to your failure to disclose your pre-service psychiatric treatment. In view of the above, 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