



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

REC
Docket No: 05786-10
23 March 2011

[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 23 March 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.

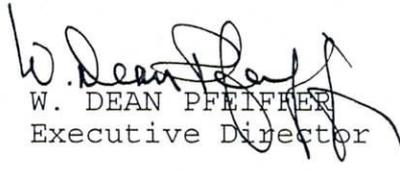
You enlisted in the Navy and began a period of active duty on 27 November 1991. On 29 November 1991, you disclosed during the moment of truth (MOT) the fact that you had prior service civil charges with a pending charge of trespassing that you failed to disclose on your in-processing paperwork. Based on the still pending civil charge, and the fact that you failed to disclose your previous civil involvement prior to enlisting in the Navy, you were processed for separation by reason of erroneous enlistment. After you were advised of your rights, you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 19 December 1991, you were discharged with an uncharacterized entry level separation by reason of an erroneous enlistment. At that time, you were assigned a reentry code of RE-4.

In its review of your application, the Board considered all mitigating factors, such as your youth. Nevertheless, the Board found these factors were insufficient to warrant changing your reentry code due to your erroneous enlistment. The Board noted

that applicable regulations authorize an uncharacterized discharge for individuals who fail to complete recruit training. The Board thus concluded that there is no error or injustice in your reentry code which was correctly assigned under your circumstances. 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