



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

TAL  
Docket No: 8372-10  
10 June 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 8 June 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.

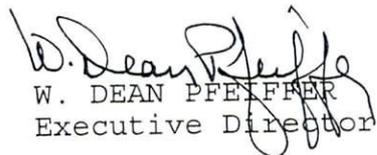
You enlisted in the Navy and began a period of active duty on 9 August 2007 at age 18. On 20 August 2007, you were the subject of a medical evaluation that diagnosed you with asthma, a condition that existed prior to enlistment and is not correctable to meet Navy physical standards. Your civilian medical history indicates you had been diagnosed with asthma in 1999, with an admission to Temple Children's Hospital, a pediatric intensive care unit, as recently as June 2006. The diagnosed condition affects your potential for performance of expected physical training, duties and responsibilities. On 24 August 2007, you were notified of the recommendation that you be discharged by reason of entry level separation due to fraudulent entry. On 5 September 2007, your commanding officer directed an uncharacterized entry level separation. On 11 September 2007 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your

reenlistment code given your diagnosis of asthma. The Board concluded that since you were discharged by reason of fraudulent entry into military service, the RE-4 reenlistment code is justified. Recruiting personnel are responsible for determining whether you meet the standards for reenlistment, and whether or not a request with supporting documentation for waiver of your reenlistment code is feasible. 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