



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

REC
Docket No: 00236-11
29 September 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 28 September 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.

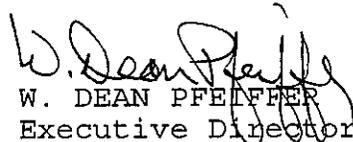
You enlisted in the Navy and began a period of active duty on 26 February 2009, at age 20. On 21 August 2009, a mental health evaluation was conducted, and you were diagnosed with an adjustment disorder, mixed disturbances of emotion and conduct, and antisocial traits. On 28 August 2009, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for three days. Based on the mental health evaluation, you were honorably discharged by reason of a condition not a disability. 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 9 September 2009, you were discharged with an honorable characterization of service by reason of a condition not a disability. 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. However, the Board found these factors were insufficient to warrant changing your reentry code due to your misconduct, and diagnosed condition. The Board

noted that applicable regulations authorize the assignment of an RE-4 reentry code to individuals who are separated due to medical conditions that interfere with duty performance. The Board thus concluded that there is no error or injustice in your reason for separation or RE-4 reentry code. 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