



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

BJG
Docket No: 444-11
18 October 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 12 October 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 enlisted in the Navy and entered active duty on 22 March 2010. During recruit training, the osteoarthritis of your ankle was found to be a condition not correctible to meet Navy standards. This condition existed prior to your enlistment. You were then processed for administrative separation due to erroneous entry. On 29 June 2010, you received an uncharacterized entry level separation due to erroneous entry, and were assigned an RE-3E (eligible to reenlist with waiver) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, current desire to upgrade your reentry code, and medical evidence submitted with your application. However, the Board concluded that your RE-3E reentry code should not be changed due to your failure to disclose your osteoarthritis in your ankle during enlistment processing and non-completion of recruit training. The Board believed that you were fortunate to receive a waivable RE-3E reentry code, because Sailors normally receive an RE-4 (not recommended for reenlistment) reentry code when they are administratively separated for erroneous entry. The Board suggested that you continue to pursue a waiver to reenlist through prior service recruiting personnel. You are advised that no reentry code is changed due merely to the passage of time or post service good conduct. 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