DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON VA 22204-2490

SJN
Docket No: 7925-14
20 July 2015

5 U.S.C. 552(b) (6)
[redacted]

Dear 5 U.S.C. 552(b)

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 10 July 2015. The names and votes of the members of the panel will be furnished upon request. 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 4 August 2003. Your record is incomplete, in that it does not contained the documentation pertaining to your discharge. Based on your Certificate of Release or Discharge from Active Duty (DD Form 214) you were discharged for the convenience of the government due to a condition, not a disability. After being afforded all of your procedural rights, you were honorably discharged on 15 April 2005. At that time you were assigned an RE-4 reentry code.

The Board noted that applicable regulations require the assignment of an RE-4 reentry code to individuals who are separated due to a condition, not a disability. The Board thus concluded that in the absence of the documentation regarding your discharge, and the fact that your DD Form 214 states the reason for your discharge was for a condition, not a disability, it presumed regularity, and found that there is no error or injustice in your reentry code. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

5 U.S.C. 552(b) (6)

[redacted]

ROBERT J. O'NEILL
Executive Director