



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

EGA
Docket No: 1210-14
23 March 2015

[REDACTED]

Dear [REDACTED]

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 23 February 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 25 October 2010. Shortly thereafter, you reported to medical for treatment of chest pains, and stated that you had similar chest pains prior to entry. On 3 November 2010, after undergoing another medical screening, you were diagnosed with asthma after reporting a history of this medical condition. At that time, you were recommended for an administrative separation due to the diagnosed asthma. Following a review of the medical report, the commanding officer recommended separation with an uncharacterized entry level separation by reason of fraudulent entry as evidenced by your deliberate omission or concealment of a condition, specifically, asthma, that existed prior to your entry into the service.

Subsequently, after waiving your procedural rights, you were administratively processed for separation by reason of fraudulent entry due to diagnosed asthma. On 16 November 2010, you were issued an uncharacterized entry level separation by reason of fraudulent entry into military service, and assigned an RE-8 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your narrative reason for separation. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because your asthma existed prior to joining the service and you failed to report this condition during the medical prescreening. 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 or other matter not previously considered by the Board within one year from the date of the Board's decision. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director