



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

JDR
Docket No: 5942-14
6 July 2015

[REDACTED]

Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 June 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, began a period of active duty on 14 November 2007, and served without disciplinary incident. On 8 April 2008, you were diagnosed with adjustment disorder with mixed anxiety and depressed mood and occupational problem. On 12 May 2008, you submitted a request for separation to your commanding officer, referencing the diagnosis as a basis for separation.

Subsequently, administrative discharge action was initiated by reason of convenience of the government due to a physical or mental condition. At that time you elected to waive your right

to consult with legal counsel. Your case was forwarded, recommending an honorable discharge by reason of a condition not a disability. The separation authority approved and directed an honorable discharge and, on 5 June 2007, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of service, desire to change your reentry code, and your assertion that you were never issued a medical dog tag. Nevertheless, the Board concluded these factors were not sufficient to warrant an upgrade to your reentry code given your commanding officer's conclusion that you had no potential for further naval service. With regard to your assertion, the Board determined that there was insufficient evidence, and you submitted none, to support a conclusion that your record is in error because you were not issued a medical alert tag. Specifically, the Board concluded there was no causal relationship between not having a medical alert tag and being given an RE-4 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,



ROBERT J. O'NEILL
Executive Director