



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

[REDACTED]  
Docket No: 6592-16

OCT 10 2017

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 July 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You began a period of active duty in the Navy on 13 July 2015. On 28 August 2015, you were medically screened by Fleet Medicine and diagnosed with Personality Disorder, Neurodevelopment Disorder, and Depressive Disorder. During the screening, it was disclosed that prior to your service, and when you were about 12 or 13 years old, you were accused of sexually assaulting two minor females. You received counseling, and had a separate and undisclosed Individual Education Plan (IEP) for learning, behavior, and mood problems. On 8 September 2015, Commanding Officer, Recruit Training Command recommended that you be separated on the basis of the failure to disclose that you had a history of psychiatric care prior to your enlistment in the Navy. You were discharged from the Navy on 9 October 2015, with an uncharacterized separation on the basis of erroneous entry and with a reentry (RE) code of RE-4.

The Board considered your request for a change to your RE-4 to an RE-1 for purposes of reenlistment. When making its determination, the Board noted that you contend that your recruiter advised you not to disclose your history during the enlistment process. The Board also considered that you state in your petition that during boot camp you volunteered information during the moment of truth and that to the best of your recollection, you assisted a four-year-old girl when she fell off her bicycle and were accused by her father of inappropriate touching. You state that you saw your pediatrician five to six times and that although you tried to obtain the medical records from that time period, they are not available.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board carefully weighed all potentially mitigating factors, such as your desire to reenter military service. The Board found that your failure to disclose the information of your past prior to enlistment in the Navy was sufficient grounds for a separation to be initiated on the basis of erroneous enlistment. The Board considered your explanation of the situation as well as your assertion that you were told by the recruiter not to disclose the information. Nonetheless, the Board found that you did not provide sufficient information to establish that the discharge was either erroneous or unjust. The Board found that the RE-4 was assigned without error or injustice and should not be changed. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director