



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

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Docket No: 5513-20
8331-13
Ref: Signature Date

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Dear █

This is in reference to your reconsideration request of Docket No. 8331-13. You previously petitioned the Board for Correction of Naval Records (BCNR) and were advised that your application had been denied. Your case was reconsidered in accordance with the BCNR procedures, which conform to *Lipsman v. Secretary of the Army*, 335F.Supp.2d 48 (D.D.C. 2004). 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. Consequently, your reconsideration request has been denied.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

Because your application was submitted with new evidence not previously considered, the BCNR found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the BCNR, sitting in executive session on 14 October 2020. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your application and all material submitted in support of your application.

You enlisted in the Navy and began a period of active duty on 26 June 2007. On 24 August 2007, you were diagnosed with Borderline Personality Disorder and Bulimia Nervosa. You admitted to bulimia since age 14, being under psychiatric care before enlistment and denied telling your recruiter about the Bulimia. Subsequently, administrative separation action by reason of Fraudulent Enlistment was initiated. On 6 September 2007, you waived counsel and the right to submit statements. On 14 September 2007, the Separation Authority directed your administrative separation with an Entry-Level separation. On 20 September 2007, you were administratively separated with an Entry-Level separation.

You presented as new evidence a statement regarding the circumstances leading up to the charges against you. You requested an upgrade of your RE-4 reentry code. You stated that, during Basic Training, a Petty Officer said he would write a letter of recommendation if you were to rejoin the Navy. You asserted you failed to disclose bulimia nervosa and the Navy will see you in a negative light because of fraudulent enlistment. You also asserted you are a 30-year-old single mother of a 15-month-old child with no child support and want to provide a stable future for my child with the Navy's help. Finally, you asserted an upgrade is no longer about you only, but your child. The Board concluded these factors and assertions were not sufficient to warrant a change to your reentry code, given your diagnosis.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. 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 the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,

12/11/2020

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Executive Director

Signed by: █