



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 6763-00
2 May 2001

[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 24 April 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 5 July 2000 at age 18. On 13 July 2000 you admitted to concealing preservice treatment for attention deficit hyperactivity disorder and depression. You stated that you had been treated with the drug adderal and became dependent on it and you also took ritalin in elementary school. After review it was determined that your condition was disqualifying for active service. There are statements on your recruit information card which indicate that you were begging to be sent home.

On 17 July 2001 you were notified of separation processing due to your fraudulent enlistment. In connection with this processing, you elected to waive your procedural rights. Subsequently, the separation authority directed an entry level separation. You were so separated on 21 July 2000. At that time, you were assigned an RE-3P reenlistment code.

You state that you made a mistake when you enlisted in the Marine Corps and you desire a correction to your record to allow your enlistment in the Navy. You admit that you were begging to get out of the Marine Corps so that you could enlist in the Navy. You have submitted a letter from your psychologist, who states

that you went off all medication in November 1998 and did well without it, never had any significant mental problems, and were not a danger to yourself or others. He believes that you would have no problems serving in the military.

The Board noted that the evidence in your Marine Corps record was sufficient to refute the conclusion of your psychologist that you are qualified to serve in the military. The Board concluded that the evidence of your poor adjustment in recruit training and your admission to a fraudulent enlistment were sufficient to support separation from the Marine Corps. In addition, the Board concludes that the circumstances, which led to your separation, were sufficient to support the assignment of the restrictive RE-3P reenlistment code, which means that your discharge was based on physical problems.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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. 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,

W. DEAN PFEIFFER
Executive Director