



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

WMP  
Docket No: 9632-02  
8 May 2003



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 7 May 2003. 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 Navy on 26 May 2000 for four years at age 18. Your record further shows that you served without incident until 13 December 2000, when you received nonjudicial punishment (NJP) for obtaining services under false pretenses. The punishment imposed was forfeitures \$537 per month for two months and 45 days of restriction and extra duty.

Your record further reflects that you received an adverse performance evaluation for the period of 23 September to 13 December 2000. In this evaluation, you received adverse marks of 2.0 in the marking categories of professional knowledge and quality of work; and 1.0 in the marking categories of equal opportunity, military bearing/character, and personal accomplishment/initiative. You were not recommended for

retention and your advancement recommendation indicated "significant problems."

On 14 December 2000 you received a psychological evaluation due to suicidal ideation and were diagnosed as having an adjustment disorder with an angry and sad mood, and an immature, anti-social and passive-aggressive personality disorder. It was recommended you be expeditiously processed for separation due to the risk you posed to yourself and others if retained. You also admitted to an undisclosed pre-service diagnosis and treatment for attention deficit hyperactivity disorder and nephritic syndrome.

Although the documents concerning your separation processing are not contained in your records, it is clear that you were processed for separation by reason of fraudulent entry due to your failure to disclose pre-service medical treatment and diagnosed personality disorder. The record clearly shows that on 1 March 2001 you received a general discharge by reason of fraudulent entry and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to an individual separated by reason of fraudulent entry. In the regard, the Board noted that you apparently failed to disclose your pre-service medical treatment for attention deficit hyperactivity disorder and nephritic syndrome, both of which, if disclosed prior to enlistment, would have disqualified you for military service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished.

The Board did not consider whether your characterization of service or reason for separation should be changed, since you did not request such action, and you have not exhausted your administrative remedy by applying to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

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

Enclosure:

DD Form 293