



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

WMP
Docket No: 5331-02
11 December 2002

[REDACTED]

[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 11 December 2002. 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 15 September 2001 at age 23. On 18 September 2001, during the "moment of truth" at recruit training, you admitted to pre-service undisclosed civil involvement including five separate traffic related tickets, which resulted in four misdemeanor convictions for failure to appear in court.

On 21 September 2001 you were notified that separation action was being initiated by reason of defective enlistment and induction due to fraudulent entry. You were advised of and waived all of your procedural rights with the exception of obtaining copies of documents that supported the basis for separation. On 2 October 2001 you received an uncharacterized entry level separation by reason of fraudulent entry. At that time, you 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. Therefore, the RE-4 reenlistment code was properly assigned since you were appropriately separated due to your admission of pre-service undisclosed civil involvement. 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