



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

TJR  
Docket No: 8053-01  
13 May 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 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, and applicable statutes, regulations, and policies. The Board was unable to obtain your naval record and concluded its review based on the documentation you submitted with your application.

After careful and conscientious consideration of the entire case file, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 19 May 1997 at the age of 22, after about a month in the Delayed Entry Program (DEP) of the Marine Corps Reserve. It appears from the statement you submitted with your application that you denied any prior suicide attempts or suicidal ideation at the time of your enlistment.

Your Certificate of Release or Discharge from Active Duty (DD Form 214) reflects that while in recruit training you were processed for an administrative separation by reason of fraudulent entry. According to your statement, separation processing resulted from a comment you made to your drill instructor to the effect that prior to enlistment you had suicidal thoughts. Subsequently, the discharge authority directed an uncharacterized entry level separation by reason of fraudulent entry, and on 13 June 1997 you were so separated and assigned an RE-3F reenlistment code.

The Board, in its review of your case file and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and good post service conduct. The Board also considered your character reference letters. However, the Board concluded these factors and contention were not sufficient to warrant a change of your narrative reason for separation or reenlistment code because of the fact that you failed to complete recruit training and were separated due to your apparent fraudulent enlistment. An RE-3F reenlistment code is routinely assigned under these circumstances, and is also assigned to most individuals who fail to complete recruit training. Such a code does not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver of an individual's reenlistment code is feasible. The Board also noted your current statement to the effect that you lied about prior suicidal ideation in order to be discharged. Even if this were true, it is well settled in the law that one who obtains a discharge by fraud should not benefit from the fraud when it is discovered. Given all the circumstances of your case, the Board concluded your narrative reason for discharge and reenlistment code were proper and no change is warranted. 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