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

CRS
Docket No: 3265-10
6 July 2010

[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 9 June 2010. 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 19 November 2007 without disclosing a prior civilian arrest for sexual imposition. On 31 July 2009, you were honorably discharged by reason of erroneous entry and assigned a reentry code of RE-3E.

A reentry code of RE-3E is the most favorable code authorized by regulatory guidance for individuals discharged due to erroneous entry. The Board thus concluded that there is no error or injustice in your reentry code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Concerning your request to waive the debt you currently have with the Defense Finance and Accounting Service (DFAS), the Board is unable to take action since you have provided no evidence to show that you have exhausted your administrative remedies by filing an appeal with DFAS and being denied relief. Accordingly, until you have exhausted this administrative remedy no further action can be taken on this issue.

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