



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

TJR
Docket No: 11353-10
11 August 2011

[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 9 August 2011. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 29 August 1991 at age 19, began a period of active duty on 16 March 1992, and served without disciplinary infraction.

Your record reflects that on 11 February 1993 you were referred for a medical/mental health evaluation because of a pre-existing learning disability. During the evaluation you expressed experiencing anxiety about future situations, being disillusioned with the Navy, and having inability to properly function in complex situations. It was determined that you had a long history of suffering from a learning disability. As a result, you were diagnosed with a learning disability that negatively impacted your performance of duty and affected your ability to function. As such, you were recommended for an expeditious administrative separation.


As a result of the foregoing, you were notified of administrative separation by reason of convenience of the government due to erroneous enlistment. At that time you did not object to the

separation and waived your right to submit a rebuttal statement. Subsequently, your commanding officer recommended discharge by reason of erroneous enlistment and noted that you were not recommended for retention or reenlistment. The discharge authority approved this recommendation and directed your commanding officer to issue you an honorable discharge by reason of erroneous enlistment due to a pre-existing learning disability. On 10 May 1993, while serving in paygrade E-2, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code and narrative reason for separation. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code or narrative reason for separation because of your pre-existing disability. Further, the Board concluded that your diagnosed learning disability and nonrecommendation for reenlistment were sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Accordingly, your application has been denied.

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 PFENIFFER
Executive Director