



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 752-17
DEC 13 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

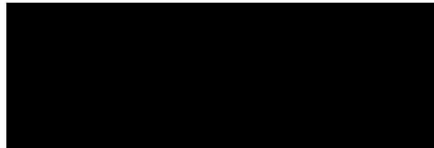
You enlisted in the Navy on 28 June 2016. On 28 June 2016, Recruit Mental Health diagnosed you with a pre-service psychiatric issue: Unspecified Bipolar and Related Disorder and Unspecified Anxiety Disorder. Specifically, you reported a history of mental health issues that were not disclosed on your service entry medical disclosure form. On 5 August 2016, you were provided administrative processing notification and you waived your right to consult legal counsel or to provide a written statement in your defense. On 24 August 2016, you were separated with an Entry Level Separation (as you served less than 180 days) for "Fraudulent Entry" for failing to disclose your pre-service mental health issues and assigned an RE-4 reentry code.

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 carefully considered your argument that you were unaware of the repercussions associated with not disclosing your previous medical history and your assertion that your chief advised you to do so. The Board also took into consideration your claim that you have subsequently undergone medical review and you are not currently suffering from any psychiatric disturbances. However, the Board did not agree with your rationale for relief. The Board concluded that the basis of your discharge, specifically "Fraudulent Enlistment," is supported by the evidence in the record.

Per Military Personnel Manual, Section 1160-030, members reenlisting in the Navy must be medically qualified. Qualification for continued service should be based on the ability of members to perform the functions of their rate, rank, or occupational specialty without physical or medical limitations. An accurate determination of your qualification for service was not conducted prior to your entry due to your purposeful withholding of prior medical information. The reentry code of RE-4 is assigned when a member is not recommended for reenlistment by their commanding officer (CO). You were not recommended for reenlistment by your CO due to your intentional withholding of germane pre-service medical information, which resulted in your fraudulent entry into the service. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director