



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

ELP  
Docket No. 2398-01  
10 August 2001

[REDACTED]

Dear [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 Navy Records, sitting in executive session, considered your application on 8 August 2001. 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 16 December 1986 for four years at age 22. The record reflects that you were advanced to PNSA (E-2) and served without incident until 29 June 1987 when a National Agency Check revealed that a civil conviction for rape in September 1982 was not disclosed on your pre-enlistment documents.

On 3 August 1987 you were notified that administrative separation action was being considered by reason of defective enlistment and induction due to fraudulent entry into the Naval service. You were advised of your procedural rights and that the characterization of your discharge would be honorable. You declined to consult with legal counsel and waived your rights. You did not object to the discharge. Thereafter, the discharge authority directed an honorable discharge by reason of erroneous enlistment. You were so discharged on 21 August 1987 and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous enlistment. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval of Commander, Navy Personnel Command. The Board noted your contention that you have no serious convictions since your discharge. However, the Board concluded that failure to disclose a civil conviction for rape provided sufficient justification to warrant a non-recommendation for reenlistment and assignment of an RE-4 reenlistment code. A Federal Bureau of Investigation report obtained by the Board noted that your post-service conduct has been marred by convictions for an offense involving the use of a controlled substance, and battery. Accordingly, the Board concluded that the reenlistment code was 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