



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

JRE  
Docket No: 5634-01  
7 March 2002



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 28 February 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, 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 underwent a pre-enlistment physical examination on 29 October 1999. You did not disclose any history of disease or medical treatment in the Statement of Medical History you completed on that date. You specifically denied a history of broken bones. You served in the Navy from 7 September to 2 October 2000, when you were discharged for failing to meet procurement medical standards due degenerative joint disease in your left great toe, which was fractured in 1998, and a bunionectomy, which apparently was performed prior to October 1999. You were assigned a reenlistment code of RE-4, as required by governing directives. There is no indication in the available records that you sustained significant injury to your foot or toe during your period of service.

The Board was not persuaded that your discharge was erroneous, or that you were unjustly assigned an RE-4 reenlistment code. The statement of your physician to the effect that he does not think that military training will necessarily hasten the degeneration of your toe joint, and that you could participate in military training activities was not considered sufficient to warrant any corrective action in your case. In addition, it noted that an RE-4 code is not an

absolute bar to reenlistment, as it may be waived by the Chief of Naval Personnel in appropriate cases.

In view of the foregoing, the Board was unable to recommend any corrective action in your case. 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