



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

BJG
Docket No: 5886-01
23 August 2001

MR. [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. You requested that your reenlistment code of RE-4 (not eligible for reenlistment without prior approval of the Chief of Naval Personnel) be changed. You contend that you faked sleepwalking to get out of the Navy.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 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. In this connection, the Board found your naval record shows that you entered active duty on 28 November 2000; that on 19 December 2000, the recruit mental health psychology staff diagnosed you with a sleepwalking disorder; that you were discharged on 2 January 2001 by reason of erroneous entry as evidenced by a sleepwalking disorder; that you had an entry level separation (ELS), meaning that you were discharged within 180 days of your entry on active duty; and that you were assigned the RE-4 code, which is appropriate for an ELS. They were unable to find that you did not actually have a sleepwalking disorder. Further, they questioned your credibility, in view of your assertion that you faked sleepwalking. In view of the above, 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