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

BJG  
Docket No: 8283-01  
27 December 2001

MR [REDACTED]  
[REDACTED]  
[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 say the code is not unjust, but you want it changed so you can serve your country. You further say you made a mistake at a young age by going along with your recruiter in failing to disclose a leg injury before your enlistment, and that you did make full disclosure at recruit training. You provide a letter from a physician to the effect that you are currently without symptoms, and a statement from a recruiter to the effect that with a reenlistment code of RE-3P (eligible for reenlistment except for disqualifying factor - physical disability) and a medical waiver, you could currently qualify for enlistment.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 December 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, medical record, and applicable statutes, regulations and policies. They also considered your undated letter with enclosures.

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 8 March 1993; that you were discharged on 23 March 1993 by reason of erroneous enlistment - enlisted, reenlisted, extended or inducted in error; that medical authorities found your condition made you not physically qualified in accordance with the physical standards for enlistment; that you had an entry level separation (ELS), meaning you were discharged within 180 days of your entry on active duty; and that you received the

RE-4 code. Notwithstanding your current condition and the circumstances of your failure to disclose your leg condition before your enlistment, the Board found that the RE-4 code was appropriate in light of the ELS and your deception. 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