



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

TJR
Docket No: 6491-07
13 May 2008

[REDACTED]

[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 Naval Records, sitting in executive session, considered your application on 6 May 2008. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 10 July 1987 at age 19 and served without disciplinary incident. However, on 12 January 1988 you refused to undergo required dental treatment, and by doing so, you could not serve on-board your ship during underway periods. Shortly thereafter, on 28 January 1988, because of your dental condition that existed prior to your enlistment, you were referred for an evaluation to determine if you were fit for duty and/or could remain on active duty. Again you refused treatment to repair your dental deficiencies. At that time you were recommended for an administrative separation.

In February 1988 you were notified of pending administrative separation due to your unsatisfactory performance as evidenced by your refusal to accept treatment for your dental deficiencies, and you did not object to the separation. Your commanding officer recommended you be honorably discharged by reason of unsatisfactory performance. At that time you were not

recommended for retention or reenlistment due to your refusal of needed dental treatment. Subsequently, the discharge authority directed an honorable discharge, and on 19 February 1988, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of your refusal to accept dental treatment which caused you to be unfit for duty and/or retention. Finally, an RE-4 reenlistment code is authorized when a Sailor, who is serving in paygrade E-2, is separated for this reason and is not recommended for retention or reenlistment. 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,



ROBERT D. ZSALMAN
Acting Executive Director