



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

CRS
Docket No: 4073-09
23 March 2010

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 February 2010. 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.

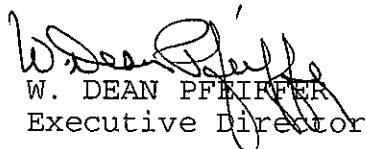
The Board found that you enlisted in the Navy on 30 June 2003. On 11 August 2003 your commanding officer directed that you be separated based on your concealment of a pre-service history of attention-deficit/hyperactivity disorder. On 14 August 2003 you received an entry level separation by reason of fraudulent entry and were assigned a reentry code of RE-4.

The Board considered your assertion that you lied about your pre-service conditions in order to be discharged, but could not determine if you were lying then or lying now. Furthermore, it noted that the law is very clear that an individual who procures a discharge by fraud should not thereafter be permitted to benefit from the fraud. In addition, applicable regulations require the assignment of an RE-4 reentry code to individuals who are separated by reason of fraudulent entry. Accordingly, and as you have not demonstrated that your reentry code is erroneous or unjust, your application has been denied. The names and votes of the members of the panel will be furnished upon requested.

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