



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

CRS
Docket No: 8401-09
19 January 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 6 January 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 Reserve on 10 June 2004. On 25 June 2004 you disclosed a chronic shoulder dislocation which you had concealed when applying for enlistment. On 4 July 2004 you received an entry level separation by reason of fraudulent entry and were assigned a reentry code of RE-4.

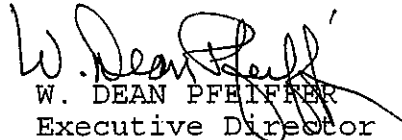
The Board noted that a reentry code of RE-4 is required by regulatory guidance to be assigned to service members separated by reason of fraudulent entry. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your reentry code.

The Board did not accept your unsubstantiated contention to the effect that you would not have agreed to your discharge if you had been informed of the RE-4 reentry code. In addition, the Board was not persuaded that it would be in the interest of justice to assign you a more favorable reentry code as an exception to policy. 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