



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

TAL
Docket No: 10663-09
23 July 2010

[REDACTED]

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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 14 July 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

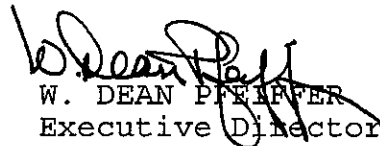
You enlisted in the Navy and began a period of active on 2 July 2002 at age 21. On 5 March 2004, you were notified that the Defense Security Service (DSS) investigation had denied you a security clearance. The disqualifying information considered in reaching the decision was your denial of delinquent financial obligations, and denial of a mental, emotional or personality disorder on the Security Clearance Application (SF-86). Based on the information currently contained in your record it appears that you were subsequently processed for administrative separation by reason of fraudulent entry. In connection with this processing, you would have acknowledged the separation action and the discharge authority would have approved a recommendation for separation. On 19 October 2004, you were discharged under honorable conditions due to fraudulent entry. At that time you were assigned an RE-4 reenlistment code, which means you were neither recommended nor eligible for reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code for

possible reentry into the armed forces. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code given the non-recommendation for reenlistment which was sufficient to support the assignment of an RE-4 reenlistment code and failure to disclose information on you SF-86. 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