



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

REC  
Docket No: 12117-09  
25 August 2010

[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 25 August 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 duty on 12 June 2008, at age 24. On 8 September 2008, a recruit mental health evaluation was conducted, and you were diagnosed with an adjustment disorder, depressed mood with attention deficit disorder. You admitted that you had used medication to deal with your condition. You were counseled regarding your condition, and advised to seek treatment after separation. Based on the mental health evaluation, you were processed for separation by reason of erroneous enlistment due to your diagnosed adjustment disorder and depressed mood. You were advised of your rights, and you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 16 October 2008, you were discharged with an entry level separation by reason of erroneous enlistment. At that time, you were assigned a reenlistment code of RE-4.

The Board noted that applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to erroneous enlistment based on medical conditions that existed prior to entry into the service. The Board thus

concluded that there is no error or injustice in your reenlistment code. There is evidence in your record contrary to your allegation. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and allegation that you were discharged due to financial hardship. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reenlistment code due to your diagnosed adjustment disorder and erroneous enlistment. 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