



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

CRS  
Docket No: 12555-09  
28 July 2010



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 28 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.

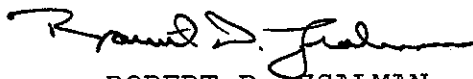
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 18 June 2009. On 8 July 2009 you were diagnosed with asthma and other allergies that would have disqualified you from enlisting had you disclosed their existence when you were applying for enlistment. You reported that you had used an inhaler up to the age of 14. You submitted a medical record dated 17 May 2006 which indicates that you had been proscribed inhaled medication normally prescribed for the treatment of asthma and chronic pulmonary disease. On 24 July 2009 you received an entry level separation by reason of fraudulent entry and were assigned a reentry code of RE-4, as required by governing directives.

The Board concluded that your present reentry code was properly assigned. It 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,



ROBERT D. ZSALMAN  
Acting Executive Director