



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

TAL  
Docket No: 13095-09  
30 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.

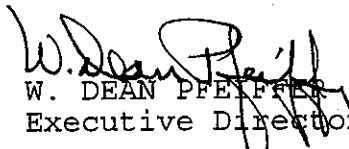
You enlisted in the Navy and began a period of active duty on 30 June 1986 at age 29. On 6 August 1986, you were the subject of a medical evaluation that diagnosed you with recurrent subluxation left glenohumeral joint (dislocation of the shoulder), a condition that existed prior to enlistment and not correctable to meet Navy physical standards. The diagnosed condition interfered with your assignment to and performance of duty. On 9 August 1986, you were notified of the recommendation that you be discharged by reason of entry level separation due to failed medical-physical procurement standards. On 7 August 1986, your commanding officer directed an entry level separation. On 13 August 1986 you were so discharged and assigned an RE-3E reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization or reenlistment code given your diagnosis of recurrent subluxation, left glenohumeral joint. You were

separated on the basis of erroneous enlistment, not the result of fraudulent conduct. If relevant facts of your condition had been known the enlistment would not have occurred. The RE-3E reenlistment code indicates that you were inducted in error. 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