



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

SJN
Docket No: 00917-10
20 October 2010



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 19 October 2010. The names and votes of the members of the panel will be furnished upon request. 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 25 March 2009. The Board found that on 20 April and 5 May 2009, you were the subject of a recruit mental health evaluation that diagnosed you with "disruptive behavior" that had existed prior to your entry into the service. It was determined that your condition was not correctable to meet Navy standards and that it posed a risk if you were retained on active duty. Subsequently, you were discharged with an uncharacterized entry level separation by reason of fraudulent entry due to your failure to disclose your history of psychiatric treatment, counseling, and history of sexual abuse and being a sex offender. At that time, you were assigned a reenlistment code of RE-4.

The Board noted the psychological reports that you submitted with your application and the applicable regulations that require the assignment of an RE-4 reenlistment code to individuals who are separated due to a medical condition that existed prior to entry into the service. The Board thus concluded that there is no

error or injustice in your reenlistment code. 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