



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

JRE  
Docket No. 06117-10  
18 April 2011

[REDACTED]

[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 7 April 2011. 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.

You completed a Report of Medical History on 31 October 2009 in connection with your application for enlistment in the Navy. You denied having any significant medical history, to include a history of back problems. A copy of that form is enclosed. You did not disclose your disqualifying history of intervertebral disk pathology and having received epidural steroid injections treat right lower extremity pain and weakness related to the disk pathology. The Board was not persuaded that the similar symptoms in your left lower extremity you had while on active were caused by an injury or disease process that were incurred while you were on active duty.


The Board determined that you were not entitled to a characterized separation because you were discharged after completing only 24 days

of service. It noted that service members who are discharged within their first 180 days of service will receive an uncharacterized entry level separation unless exceptional circumstances of personal conduct or performance are present in their case, and then only upon the approval of the Secretary of the Navy acting on a case by case basis. No such circumstances were present in your case. The Board also noted that you could have been processed for separation by reason of fraudulent entry and received a reentry code of RE-4, which would have precluded your reenlistment. Your reentry code of RE-3E does not preclude your reenlistment if you can obtain a waiver of your disqualifying spinal condition. In addition to the foregoing, the Board found that you have not demonstrated that you should have been discharged by reason of physical disability vice erroneous entry.

In view of the foregoing, 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