



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

CRS
Docket No: 7580-10
20 September 2010

[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 15 September 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 25 July 2007. On 15 October 2009 you received nonjudicial punishment for absence from appointed place of duty, insubordination, deliberately dropping a live round on the deck, and conduct likely to cause death or bodily harm to the crew of a ship. You underwent a psychological evaluation on 24 October 2009 and were given diagnoses of an adjustment disorder with mixed anxiety and depressed mood, and occupational problems. On 5 November 2009 you received an honorable discharge due to the adjustment disorder, which was considered a condition, not a disability, which interfered with your performance of duty. You were assigned a reentry code of RE-4, as permitted by regulatory guidance.

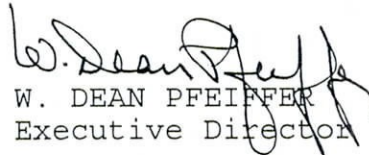
The Board concluded that the assignment of a reentry code of RE-4 was appropriate in your case in view of your disruptive behavior. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to assign you a more favorable reentry code, your application has been denied. The

names and votes of the members of the panel will be furnished upon request.

It is not within the purview of the Board to reinstate your security clearance. If in the future you rejoin the military, it will be the responsibility of that branch of military service.

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