



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

TJR
Docket No: 320-11
26 January 2011

[REDACTED]

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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 January 2011. 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 on 19 May 2010 at age 20, began a period of active duty on 11 August 2010, and served without disciplinary incident. On 29 September 2010 you were referred for a medical evaluation due to your complaints of headaches. The medical report stated, in part, that you had a long history of headaches and had experienced throbbing and associated photo/phono phobia and neck pains. It further stated that this condition existed prior to your enlistment. Subsequently, you were diagnosed with chronic headaches that were not severe enough to disrupt your normal activities, but required medication more than twice a year. As a result, you were recommended for an expeditious administrative separation.

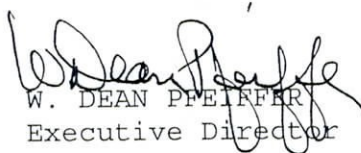
On 4 October 2010 you were notified of pending administrative separation by reason of erroneous entry due to a physical or mental condition that existed prior to your enlistment. After waiving your procedural rights you did not object to the separation. On 6 October

2010 the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry. On 21 October 2010, while serving in paygrade E-2, you were so separated and assigned an RE-8 reenlistment code

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to have your reenlistment code and narrative reason for separation changed so that you may reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case. The Board concluded that your temporary medical condition and failure to complete recruit training were sufficient to support the assignment of an RE-8 reenlistment code. Further, such a code is authorized by regulatory guidance and normally assigned to Sailors who are serving in paygrade E-2, have not completed a full term of enlistment, and are separated due to a temporary medical condition such as that in your case. Finally, an RE-8 reenlistment code may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether you meet the requirements for reenlistment. Accordingly, your application has been denied.

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