



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

WMP

Docket No: 3570-02
19 September 2002



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 18 September 2002. 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 21 January 2001 for four years at age 18. On 20 September 2001, you were referred for a psychological consultation due to episodes of sleepwalking. You were diagnosed with somnambulism since age 3 and were recommended for administrative separation. Because you failed to disclose this condition prior to enlistment, you would not have been enlisted had you revealed this problem, and clearly the disorder was too severe for you to adapt to the naval environment.

On 15 October 2001 you were notified that separation action was being initiated by reason of erroneous entry as evidenced by pre-service episodes of somnambulism since age 3. You were advised of and waived all of your procedural rights, with the exception of obtaining copies of documents that supported the

basis for separation. On 18 October 2001, your separation was approved and on 5 November 2001 you received an honorable discharge by reason of erroneous entry. At that time, you were assigned an RE-3E reenlistment code.

Regulations authorize the assignment of an RE-3E or RE-4 reenlistment code to an individual separated by reason of erroneous enlistment. Since the Board found no evidence that the diagnosis of somnambulism was incorrect, and given the apparent severity of this diagnosis, the Board concluded that the RE-3E reenlistment code was proper and no change is warranted. Further, your assigned separation code was appropriately assigned as evidenced by the fact that you withheld medical information that, if known, would have disqualified you for enlistment. Finally, an RE-3E reenlistment code is the most favorable code that may be assigned to an individual separated due to erroneous enlistment. 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