



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 3278-99

20 September 1999

[REDACTED]

Dear [REDACTED]

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 15 September 1999. 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 Marine Corps on 22 January 1977 for four years at age 24. The record reflects that on 1 May 1997 you were referred for evaluation due to a history of irregular heartbeat and palpitation attacks. On 15 May 1997, at your request, a civilian doctor provided a statement that you had been hospitalized in January 1996 for symptomatic supraventricular tachycardia. You had undergone an attempted ablation procedure for an accessory pathway. However, the procedure was unsuccessful. The doctor stated that additional medication had been prescribed, but you managed without the medication for a year.

On 3 June 1997, you were notified that administrative separation was being recommended by reason of defective enlistment and induction due to fraudulent entry for your failure to disclose your pre-service heart condition. You were advised of your procedural rights and waived those rights. Thereafter, the commanding officer recommended an uncharacterized entry level

separation by reason of fraudulent entry due to symptomatic supraventricular tachycardia. The discharge authority approved the recommendation and directed an uncharacterized entry level separation. You were so discharged on 15 July 1997 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are separated by reason of fraudulent entry. The Board noted the letters of reference and the hospital report which indicates that subsequent to your discharge, you underwent further procedures to correct the foregoing medical condition. However, it was evident to the Board that you were aware of the pre-existing heart condition and failed to disclose it prior to your enlistment. The Board concluded that your failure to disclose this pre-existing condition constituted fraudulent enlistment and justified the assignment of an RE-4 reenlistment code. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned 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