



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6181-98

6 May 1999

[REDACTED]

Dear [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 4 May 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 Navy on 30 October 1997 at age 26. On 2 January 1998 you were referred to the recruit evaluation unit because you had expressed an intent to buy a gun so you could kill a chief petty officer and because your "hard card" documented repeated difficulties involving a weapon, angry outbursts and threats of harming others. A Navy psychologist made a diagnosis of adjustment disorder with a mixed disturbance of conduct and emotions with homicidal ideations. He believed that you were a continuing danger to yourself and others and recommended an expeditious administrative separation due to your inability to adjust to recruit training and your uncontrollable anger outbursts.

Based on your inability to adjust to recruit training you were processed for and entry level separation by reason of entry level performance and conduct. On 20 January 1998 the separation authority directed an entry level separation. Although the DD Form 214 is not in the record, you state that you were separated on 26 January 1998.

Regulations require the assignment of an RE-4 reenlistment code when an individual is separated because of entry level

performance and conduct. In addition, an RE-4 reenlistment code is routinely assigned when there is a finding that an individual is at risk to harm himself or others. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 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