



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

ELP
Docket No. 1863-01
24 August 2001

[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 Navy Records, sitting in executive session, considered your application on 22 August 2001. 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.

You enlisted in the Navy on 6 April 2000 for four years at age 22. At that time, you extended your enlistment for an additional period of 12 months in exchange for training in the builder program.

A recruit medical health evaluation summary reflects that you had been evaluated at the mental health unit on 24 and 27 April and 4 May 2000. You were initially referred due to severe, persistent headaches. On follow-up you reported depression, difficulty understanding, uncontrollable crying, disturbed sleep, lost appetite, and impaired concentration. You claimed that you experienced suicidal ideation and took an overdose of several medications before your last visit to the recruit evaluation unit (REU). However, you received no treatment and experienced no medical consequences from your overdose. Earlier in the day of your last REU visit, you made small, superficial lacerations on both wrists. You were diagnosed as having an adjustment disorder with depressed mood. An entry level separation was recommended.

On 8 May 2000 you were notified that administrative separation action was being initiated by reason of defective enlistment and induction due to erroneous enlistment as evidenced by the diagnosed adjustment disorder. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment. You were so discharged on 15 May 2000 and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous enlistment. The Board noted that the Navy views suicidal gestures or threats, whether manipulative in nature or not, with grave concern and such individuals are considered a potential threat to harm themselves or others if retained. You have provided neither probative evidence nor a persuasive argument in support of your application. Since you have been treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted. 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