



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

TJR
Docket No: 2936-01
19 October 2001

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 16 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 14 November 1994 at the age of 18.

Your record reflects that on 19 June 1995, after undergoing a psychiatric examination, you were diagnosed with a personality disorder with predominant narcissistic and antisocial features, sleepwalking, and poly-substance abuse. You were also recommended for an administrative separation. On 10 October 1995 you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder, sleepwalking, and fraudulent enlistment due to pre-service poly-substance abuse. At this time you waived your rights to consult with legal counsel and to submit a statement of rebuttal to the discharge. On 31 October 1995 your commanding officer recommended an other than honorable discharge by reason of convenience of the government due to the diagnosed personality disorder and defective enlistment due to fraudulent entry. However, on 17 November 1995, the discharge authority directed a general discharge by reason of fraudulent entry. On 6 December 1995 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that there is no evidence in your record to support your characterization of service, narrative reason for separation, or the assigned RE-4 reenlistment code. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service, narrative reason for separation, or reenlistment code because of your fraudulent enlistment which is supported by your failure to disclose pre-service drug use. The Board noted that a general discharge is authorized and normally issued to individuals who are separated due to fraudulent enlistment. Finally, an individual separated by reason of fraudulent entry must receive an RE-4 reenlistment code. Given all the circumstances of your case, the Board concluded your discharge, narrative reason for separation, and reenlistment code were 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