



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

TRG
Docket No: 3352-01
23 October 2001

[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 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 29 June 2000 at age 18. On 18 July 2000 you were diagnosed with a personality disorder. You told the psychologist that you were thinking about hanging yourself or slashing your wrists if you were not separated from the Navy.

You were recommended for an administrative discharge because the personality disorder affected your potential performance in the Navy.

On 20 July 2000 you were notified of separation processing based on the diagnosed personality disorder. In connection with this processing, you elected to waive your procedural rights. On 24 July 2000 the separation authority directed an entry level separation and the assignment of an RE-4 reenlistment code, and you were separated on 27 July 2000.

You state in your application that you lied about your suicidal ideation in order to gain separation from the Navy. You now regret your actions and desire to reenlist. The Board is aware that it is well settled in the law that an individual who perpetrates a fraud in order to be separated should not benefit from that fraud when it is discovered. In addition, the Board

can not tell from the record if you were lying then or are lying now. The Board concluded that you were properly separated based on the diagnosed personality disorder.

Regulations allow for the assignment of an RE-4 reenlistment code in cases such as yours, and such a code is normally assigned when an individual is separated based on a diagnosed personality disorder and there is a risk of self harm, as in your case. Since you have been treated no differently than others separated for that reason, 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