



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

ELP
Docket No. 4437-01
30 November 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 28 November 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.

The Board found that you enlisted in the Navy on 28 June 1999 for four years as an SN (E-3). On the following day, after obtaining an elevated score on a recruit screening test, you were referred to the recruit mental health unit. While being evaluated, you reported a psychiatric history of outpatient treatment and psychotropic medication because of depressive symptoms and obsessive-compulsive behavior. You claimed that you last used such medication only seven days prior to enlistment. You reported obsessive-compulsive behavior which included taking three or four showers a day and excessive cleaning. The examining psychologist noted that most of the time, you did not recognize that your obsessions and compulsions were excessive or unreasonable. You were diagnosed with an obsessive-compulsive disorder, with poor insight. An entry level separation was recommended.

On 12 July 1999 you were notified that separation action was being initiated by reason of convenience of the government due to a physical or mental condition that affected your performance of duty, specifically, the diagnosed obsessive-compulsive disorder. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in 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. You were so discharged on 20 July 1999 by reason of erroneous entry and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to an individual separation by reason of a erroneous enlistment. The Board noted your explanation of the circumstances which led to your discharge and the doctor's statement submitted in support of your application. The doctor's statement does not challenge the Navy diagnosis of an obsessive-compulsive disorder as invalid or erroneous, but only states that you have been free of psychotropic medication for a minimum of 90 days. Although the doctor states you are asymptomatic, he also notes that your current mental status is situational anxiety. The Board found this disturbing in that it indicates that you continue to have some sort of mental problem. Further, being positive for situational anxiety suggests that the unique stresses of military service could easily exacerbate this problem. The Board concluded that the assigned 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