



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

ELP
Docket No. 5913-01
20 December 2001

MR. [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 18 December 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 1 July 1998 for four years at age 19. The record reflects that during the four month period from September to December 1998, you received two nonjudicial punishments (NJP) for stealing three compact discs and a five day period of unauthorized absence (UA). The medical record reflects that you were dropped from DC "A" school after being UA over the Thanksgiving holiday.

You were referred for a psychiatric evaluation on 21 January 1999 after reporting an extensive history of outpatient treatment for attention-deficit/hyperactive disorder (ADHD) beginning at age 5 through your senior year of high school. You stated that you were placed on two different medications during this period, and claimed to have stopped taking medications on the advice of your recruiter. You did not report your psychiatric history at the examining station or during the "moment of truth" interview. You also reported a history of fighting and self-mutilating

behavior by cutting your arm with a knife, purposefully burning your hands after pouring gasoline on them, and hearing voices during periods of stress. The examining psychologist opined that the reported history of ADHD seemed to be less important in terms of functional impairment than a host of other chronic, maladaptive personality traits. Your reported history suggested a series of unstable and intense interpersonal relationships, impulsivity regarding occupational decisions and substance use, an unstable sense of self, suicidal ideation and periodic self-mutilating behavior, chronic mood swings, inappropriate and intense anger, stress-related paranoid ideation and perhaps even dissociative symptoms. You were diagnosed with an attention-deficit/hyperactivity disorder, alcohol abuse, and a borderline personality disorder with antisocial and passive-aggressive traits. Administrative separation was recommended.

On 25 February 1999 you received a general discharge by reason of the diagnosed personality disorder, and were assigned an RE-4 reenlistment code. The discharge processing documentation is not on file in the records made available to the Board.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals separated by reason of a diagnosed personality disorder. The Board noted the statement in support of your application. The Board also noted that the Navy views individuals with suicidal ideation, or those who make suicidal gestures or threats, with grave concern since such individuals pose a possible threat to harm themselves or others if retained. You have provided no medical evidence that the Navy's diagnosis of a personality disorder was erroneous. The Board further noted that individuals rarely receive NJP during recruit training. You received two, one of which was for the serious offense of stealing. The Board concluded that your record of two NJPs in recruit training and the diagnoses of ADHD and a personality disorder provided sufficient justification for assignment of an 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.

The Board did not consider the characterization of your discharge since you have not exhausted your administrative remedies by first petitioning the Navy Discharge Review Board. That board is authorized to change both the reason for discharge and the characterization of discharge. However, it cannot change a reenlistment code. Enclosed is a DD Form 293 used to apply to that board.

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

Enclosure