



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

TRG
Docket No: 7334-00
26 June 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 19 June 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 reenlisted in the Navy on 19 July 1995. At that time you had completed about two years of active duty on a prior enlistment. The record shows that you received nonjudicial punishment on 1 June 1998 for disobedience. The performance evaluation for the period 20 August 1998 to 15 June 1999 is adverse because of a mark of 1.0 in military bearing/character. This mark was assigned because you had failed the physical readiness test.

The documentation to support discharge processing is not filed in your service record, and you have informed the examiner assigned to your case that you do not have a copy of the documentation and it is not available at your command. You have provided a copy of the commanding officer's directive that you be discharged for the convenience of the government due to a personality disorder. The performance evaluation for the period 16 June 1999 to 5 May 2000 states that you were not recommended for retention. The evaluation comments state, in part, as follows:

... (He) has become an administrative burden due to his inability to resolve ongoing personal problems. The

command has had to intervene in his personal life on numerous occasions. He completed required Family Services Center counseling sessions and behavior work shops, but continues to have problems.

You were honorably discharged on 5 May 2000 by reason of convenience of the government due to a diagnosed personality disorder. At that time you acknowledged that you were not eligible for reenlistment and had been assigned an RE-4 reenlistment code because of the diagnosed personality disorder.

You state in your application that the command became tired of your wife calling base security every time you had an argument, and forced you out of the Navy by referring you to a psychologist who, after you filled out a 600 question survey, diagnosed you with a personality disorder and recommended your discharge. In support your application you have submitted a psychiatric evaluation from the Department of Veterans Affairs (DVA) which diagnosed you with major depression with anxiety features, but not with a personality disorder.

The Board noted your statement that you were seen by a psychologist, given psychiatric testing, and were diagnosed with a personality disorder. The Board also noted that you have been diagnosed with depression by the DVA. However, the DVA did not review the psychiatric evaluation done by the Navy and did not refute the determination that you had a personality disorder that warranted discharge. The Board concluded that the discharge processing was conducted in accordance with regulations and you were properly discharged on 5 May 2000.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is discharged because of a diagnosed personality disorder. The Board concluded that a record, which included a disciplinary action and adverse performance evaluations was sufficient to support the assignment of the RE-4 reenlistment code. The Board also concluded that this code would be appropriate even if your problem was more accurately diagnosed as a major depression and not a personality disorder.

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