



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

WMP
Docket No: 8493-01
4 April 2002

[REDACTED]

[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 3 April 2002. 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 12 December 1992 for four years at age 20 as an SR (E-1). The record reflects that you were advanced to SN (E-3) on 16 June 1994, were designated a BMSN on 1 December 1994 and served without incident until 30 August 1995. On that date, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. Punishment imposed was 20 days of restriction and extra duties, reduction in rate to BMSA (E-2) and forfeiture of one-half pay per month for two months, all of which was suspended for six months.

On 3 September 1995 you were referred for psychiatric evaluation to the Naval Medical Center, Portsmouth, VA due to homicidal ideations in the context of occupational stressors and increased alcohol consumption. You were admitted after this evaluation, remained hospitalized until 12 September 1995, and were diagnosed with a personality disorder, with antisocial, immature and narcissistic features; and mechanical back pain. The attending psychiatrist advised consideration for administrative separation for unsuitability.

The record shows that you were returned to your command for full duty and served without further incident until 29 September 1995, when you were absent without leave. You surrendered yourself on 2 October 1995 at Naval Hospital, Portsmouth, VA where you were hospitalized for psychiatric evaluation until 16 October 1995. You were diagnosed with alcohol dependence; steroid abuse by history; a severe personality disorder with borderline, immature, and narcissistic features; and mechanical back pain. The attending psychiatrist strongly recommended expeditious administrative separation.

The records show that you received NJP for an unauthorized absence in excess of 24 hours on 18 October 1995. Punishment imposed was confinement on bread and water for three days.

On 20 October 1995 you were notified that separation action was being initiated due to the diagnosed personality disorder. You were advised of and waived all of your procedural rights, except the right to obtain copies of documents supporting the proposed separation. You received a general discharge by reason of "personality disorder" on 29 January 1996, and were assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 or RE-3G reenlistment code to an individual separated by reason of personality disorder. Due to the severity of your personality disorder, the diagnosis of alcohol dependence, and the two NJP's, the Board concluded that the RE-4 reenlistment code was properly assigned 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