



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

TRG
Docket No: 3057-02
15 September 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 10 September 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.

You enlisted in the Marine Corps on 13 February 2001 at age 24. In connection with your enlistment, you denied any prior psychiatric problems or treatment, and further stated that you had never attempted suicide. On 22 February 2002 you stated that you had been suffering from depression for about two years, had tried to commit suicide several times, and should not be permitted to handle weapons. That same day, you were diagnosed with an antisocial personality disorder and a chronic major depressive disorder.

Based on the psychiatric determination that you were unsuitable for service and the false statements you made at the time of your enlistment, you were processed for an administrative separation. In connection with this processing, you elected to waive your procedural rights. On 28 February 2001 the separation authority directed an entry level separation and you were so separated on 5 March 2001. At that time you were assigned an RE-3F reenlistment code.

You state in your application, that you lied in order to be enlisted and then told other lies in order to be separated. You

regret your actions and desire to again serve in the military.

The Board is aware that it is well settled in the law that an individual who perpetrates a fraud in order to be separated from the military should not benefit from that fraud when it is discovered. Further, the Board could not determine if you were lying then or are lying now. Finally, the Board notes that you have not refuted the disqualifying psychiatric diagnoses of antisocial personality disorder and chronic major depressive disorder.

Regulations require an entry level separation if an individual is separation within the first 180 days of service. Accordingly, the Board concluded that an entry level separation was proper in your case.

Marine Corps regulations allow for the assignment of an RE-3F reenlistment code to individuals who are separated prior to the completion of recruit training. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-3F 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