



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

CRS
Docket No: 5726-01
4 October 2002

[REDACTED]

[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 Naval Records, sitting in executive session, considered your application on 2 October 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 reenlisted in the Navy on 10 November 1999 after three years of prior active service. The record reflects that on 21 January 2000 you received nonjudicial punishment (NJP) for provoking speeches and gestures, assault, and drunk and disorderly conduct.

While your record does not contain the separation processing documents and your psychiatric evaluation, it appears that the commanding officer recommended that you be separated with an honorable discharge by reason of personality disorder and, after review by the discharge authority, the recommendation was approved. The record clearly shows that you were discharged on 13 October 2000 with an honorable discharge by reason of personality disorder. At that time, you were assigned a reenlistment code of RE-4.

The Board noted that an RE-4 reenlistment code is authorized by regulatory guidance and is often assigned to an individual separated due to a diagnosed personality disorder, especially if

the servicemember has a disciplinary action in the record, such as your NJP. The Board thus concluded that there is no error or injustice in your 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