



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

TJR
Docket No: 8401-06
13 July 2007



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 10 July 2007. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 16 April 1998 at age 19 and served without disciplinary incident.

On 5 May 1998, as a result of difficulty adjusting to military life, you were referred for a psychiatric evaluation. You stated, in part, that you just wanted to go home. The psychiatric report stated that you were feeling depressed and had symptoms of a depressed mood, sleep disturbance, anhedonia, appetite disturbance, and feelings of hopelessness. It also stated that there was only a slight risk that you would harm yourself or others. Subsequently, you were diagnosed with a dysthymia disorder and a conduct disorder, both of which existed prior to your enlistment. At that time you were recommended for an administrative separation due to the foregoing disqualifying psychiatric conditions.

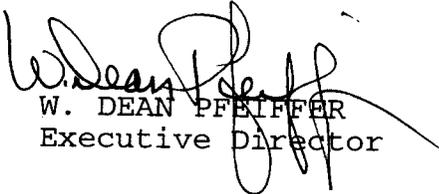
On 6 May 1998 you were notified of pending administrative separation action by reason of erroneous enlistment due to the diagnosed dysthymia and conduct disorders. You waived your right to consult with legal counsel and to submit a statement in rebuttal to the discharge action. On 7 May 1998 the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry, and on 12 May 1998 you were so separated from the Navy and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that your record incorrectly states that you were unable to adapt to military life. It also considered the correspondence from the Ross County Veterans Commission regarding your desire to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of the diagnosed dysthymia and conduct disorders. Further, an RE-4 reenlistment code is authorized when a Sailor is separated by reason of erroneous entry due to psychological or psychiatric problem and is often assigned under such circumstances, especially when the problems result in a failure to complete recruit training. 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