



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

TJR
Docket No: 8010-07
3 October 2008



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 1 October 2008. 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 14 July 1999 at age 18 and served without disciplinary incident.

On 5 May 2003, after complaining of continued anxiousness and depressive symptoms, you were referred for a mental health evaluation. You were diagnosed with an adjustment disorder with mixed anxiety and depressed mood, sleepwalking, a personality disorder, miscarriage and back problems, routine military stressors, and occupational problems. As a result you were recommended for an administrative discharge because of your unsuitability for further military service. On 8 May 2003 you submitted a written request for discharge based on the foregoing diagnoses. On 14 May 2003 this request was approved.

Your record contains a separation performance evaluation in which you were not recommended for retention or reenlistment due to being counselled on several occasions because of your professional, military, and personal deficiencies and your mental/medical diagnoses. Nonetheless, on 16 May 2003, the

discharge authority directed an honorable discharge by reason of convenience of the government due to a condition, not a disability as evidenced by the diagnosed personality and adjustment disorders. On 30 May 2003 you were so discharged and assigned an RE-4 reenlistment code.

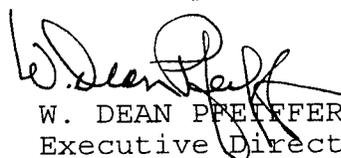
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code. Further, the Board concluded that your professional, military, and personal deficiencies, as well as the nonrecommendation for retention or reenlistment were sufficient to support the assignment of an RE-4 reenlistment code. Finally, such a code is authorized by regulatory guidance and normally assigned to Sailors who are separated with disqualifying medical or mental conditions. 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