



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

SMW
Docket No: 10014-07
19 June 2008

[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 18 June 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.

On 2 November 1998, you enlisted in the Marine Corps at age 22 and served without incident for more than 42 months. On 30 May 2002, you had nonjudicial punishment for two unspecified periods of unauthorized absence. On 17 October 2002, a service record entry was made which stated that a psychiatric evaluation conducted on 28 August 2002, diagnosed you with dysthymia and having an avoidant personality disorder, both of which existed prior to enlistment, and concluded by recommending an expeditious discharge. You acknowledged this service record entry with your signature and chose not to submit a statement. On 29 October 2002, your commanding officer initiated administrative separation by reason of convenience of the government due to a personality disorder. In connection with this processing, you acknowledged the separation action. On 23 December 2002, you acknowledged another service record entry with your signature which again documented the results of your psychiatric evaluation conducted

on 26 August 2002. On 16 January 2003, the separation authority approved the separation recommendation and directed an honorable discharge by reason of convenience of the government due to a personality disorder. On 3 February 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 potential mitigation, such as your overall record and desire to enhance employment opportunities. The Board also considered your contention that personal problems impaired your ability to serve and you were never treated for a personality disorder. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing the reason for discharge or the RE-4 reenlistment code. In this regard, the record clearly shows that you were discharged as a result of a psychiatric evaluation that diagnosed you as having an avoidant personality disorder and you acknowledged this diagnosis on two occasions when you signed service record entries. In addition, the Board substantially concurred with the comments contained in the advisory opinion, a copy of which is attached. Therefore, the Board concluded that the discharge was proper as issued and no changes are 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

Enclosure