



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

TRG

Docket No: 1644-08

9 July 2008



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 24 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You initially enlisted in the Navy on 18 May 1987 and then served in an excellent manner for about 12 years. On 1 June 1999 you were convicted by civil authorities of driving under the influence of alcohol. On 25 August 1999 you were admitted to a naval hospital for a psychiatric evaluation and remained there until 30 August 1999. On release you were diagnosed with a single episode of major depressive disorder of moderate severity and a personality disorder. The psychiatrist believed that your condition was of such severity that you were incapable of serving adequately in the Navy. Accordingly, an administrative discharge was recommended.

On 5 October 1999 you were notified of separation processing by reason of misconduct due to your conviction by civil authorities and was also based on the diagnosed personality disorder. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the separation authority directed an honorable discharge based on the diagnosed personality disorder and you were so discharged on 22 October 1999. At that time, you were assigned an RE-3G reenlistment code.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your lengthy period of good service and your contention, in effect, that you only agreed with the diagnosed personality disorder because you wanted to leave the Navy. The Board found that these factors and contention were not sufficient to warrant a change in the reason for your discharge and reenlistment code. It is clear from the record that you were hospitalized for five days undergoing psychiatric evaluation and this evaluation resulted in a recommendation for an administrative discharge. Given the passage of time, no other information is available. Therefore, the Board concluded that you were properly discharged by reason of the diagnosed personality disorder and a change in the reason for your discharge is not warranted.

Regulations allow for the assignment of an RE-3G or an RE-4 reenlistment code when an individual is discharged by reason of a diagnosed personality disorder. Since you were assigned the least restrictive reenlistment code authorized by regulations, there is no basis for a change in that 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