



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

TRG
Docket No: 3504-08
12 December 2008

[REDACTED]

[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 2 December 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 enlisted in the Navy on 20 July 2005 at age 19. At that time you were paid an enlistment bonus of \$4000. On 25 April and 10 November 2006 you received nonjudicial punishment for unauthorized absence, being drunk on duty, disrespect and treating a chief petty officer with contempt. Additionally, on 21 September 2006, you were counseled concerning malingering, alcohol abuse and failure to adapt to naval service.

Subsequently, you were referred for a psychiatric evaluation. After evaluation you were diagnosed with a personality disorder with antisocial and borderline traits. Since you were clearly having difficulties coping with stress, your expeditious administrative discharge was recommended. On 5 February 2007 you were notified of separation processing and elected not to contest this action. After review, the separation authority directed a general discharge and you were so discharged on 24 April 2007. At that time, you had completed about 21 months of active service. Further you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is discharged based on a diagnosed personality disorder. Given your disciplinary record and poor performance of

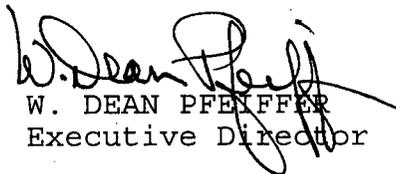
duty, the Board concluded that the decision not to recommend you for reenlistment and to assign the RE-4 reenlistment code was proper and a change in the reenlistment code was not warranted.

It is clear that you were paid the \$4,000 enlistment bonus in exchange for 48 months of service. Since you only completed about 21 months of active service you became indebted for the 27 months you did not serve. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the collection action taken by the Defense Finance and Accounting Service.

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 PFENFFER
Executive Director