



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

TJR
Docket No: 3743-08
5 November 2008

[REDACTED]

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 5 November 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.

Your record reflects that on 11 July 1988 you enlisted in the Marine Corps using social security number [REDACTED] and served without disciplinary incident. On 2 May 1989, after undergoing a medical evaluation, you were diagnosed with migraine headaches which existed prior to your enlistment. As a result, on 25 May and 19 June 1989, a medical board recommended discharge by reason of a physical disability. Shortly thereafter, you were processed for discharge, and on 6 August 1989 you were honorably discharged by reason of a physical disability with no severance pay. At that time you were assigned an RE-3P reenlistment code.

On 26 June 1990, prior to your enlistment in the Navy, you initialed and signed enlistment documents, specifically, an Application for Enlistment (DD Form 1966), in which you responded "No" to questions regarding any prior military service, and any involvement with Federal, state, military or other law enforcement or juvenile authorities. Subsequently, on 1 October

1990 at age 21, you enlisted in the Navy using social security number [REDACTED]. A month later, on 5 November 1990, your name was changed by deleting your middle name. An administrative remarks entry was made of this change which also stated that you presented a social security card reflecting your changed name.

During the period from 6 May to 14 June 1991, after being referred to a mental health center for irritability, anxiety, depressive symptoms, anger outbursts, feelings of being out of control, expressing anger and disappointment, and complaints of stress, you were diagnosed with narcissistic and dependent personality traits. On 26 June 1991, you received nonjudicial punishment (NJP) for insubordination and were awarded a \$400 forfeiture of pay, restriction and extra duty for 45 days, and a suspended reduction in paygrade. During the period from 26 June to 1 July 1991 you were referred to a mental health center for observation and evaluation due to your suicidal ideation as evidenced by you purposely swallowing paint and refusing to take necessary medications and/or treatment. You were diagnosed with a severe personality disorder and recommended for an administrative discharge.

Subsequently, you were processed for discharge by reason of a physical/mental condition as evidenced by the diagnosed personality disorder. The discharge authority directed a general discharge by reason of other physical/mental condition, personality disorder, and on 3 July 1991, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board has documented evidence which reflects that on 11 February 2005, after you had passed a military entrance processing physical, a medical waiver request for entry into the Army/Air Force National Guard was submitted on your behalf. At that time you were using the name [REDACTED] and social security number [REDACTED]. It appears that this medical waiver was only for your diagnosed migraine headaches while serving in the Marine Corps. It further appears that on 1 March 2005 the medical waiver was approved, because on 3 March 2005 you enlisted in the Army National Guard.

On 2 September 2008 the Board received documentation that stated, in part, that on 28 November 2007 you became a member of the Florida Army/Air Force National Guard using the name [REDACTED] and social security number [REDACTED]. This documentation also states that your current contract does not expire until 1 March 2011.

The Board obtained a Federal Bureau of Investigation (FBI) report that shows, in part, that during the period from 15 August 1987 to 27 June 2005 you were apprehended, charged, and convicted by civil authorities of larceny from an automobile, possession of burglary tools, two counts of perjury, two counts of simple assault, resisting arrest, use of a controlled substance, and trespassing. It also reflects that during this period you used nine aliases and multiple social security numbers.

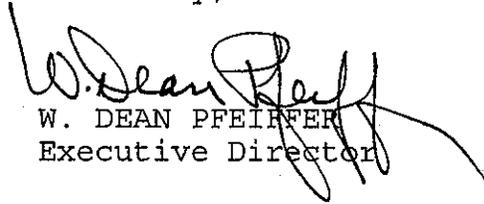
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your current enlistment in the Army National Guard and desire to change your RE-4 reenlistment code so that you may return to active duty. The Board also considered the medical documentation submitted in support of your case. It further considered your request to have the term 'Negroid' removed from your medical record because you find the term to be insulting, demeaning, and degrading. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the RE-4 reenlistment code that was assigned by the Navy due to your diagnosed personality disorder and your suicidal ideation. Also, an RE-4 reenlistment code is required when a Sailor is discharged and not recommended for reenlistment. Further, although you provided medical documentation regarding your present physical condition, this documentation does not negate the severe personality disorder diagnosed by Navy psychiatric personnel. Finally, the Board has no authority to make administrative corrections to medical records, such as the removal of the term Negroid. Accordingly, your application has been denied.

Be advised that the Board further noted the appearance of fraud in your enlistment in the Navy as evidenced by your failure to disclose your prior service in the Marine Corps and conviction and/or involvement with civil law enforcement. It also appears that your fraud continued when you enlisted in the Army National Guard by obtaining a waiver of your physical disability while serving in the Marine Corps and, by omission of your service in the Navy, which included the diagnosis of a severe personality disorder and nonrecommendation for reenlistment, both resulting in the assignment of an RE-4 reenlistment code.

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

cc:

Chief, National Guard Bureau

NJ Army National Guard

FL Army/Air Force National Guard 

Social Security Administration