



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

SMS
Docket No: 4317-08
19 March 2009

[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 18 March 2009. 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 5 November 2001, you enlisted in the Navy at age 18. On 28 November 2001, you received medical treatment for pain to your feet, disclosed that you were upset due to personal issues, and stated that you may need to go home. At that time, it was noted that you had no psychosis or gross cognitive impairment. You subsequently received a psychiatric assessment which indicated that you had no suicidal or homicidal ideation, had logical thought control, and no family history of psychiatric problems. It appears that administrative separation criteria was subsequently established for you to be considered for a convenience of the government discharge, but that information is not currently contained in the record. It also appears that your commanding officer initiated administrative separation by reason of convenience of the government due to a diagnosed personality disorder. In connection with this processing, you would have acknowledged the separation action and been given an opportunity to submit a

statement. Apparently, the separation authority approved the recommendation and directed an honorable discharge by reason of convenience of the government due to a personality disorder. On 9 May 2002, you were so discharged and assigned an RE-4 reenlistment code.

Regulations authorize assignment of an RE-4 reenlistment code to members who are discharged due to a diagnosed personality disorder, fail to meet retention criteria, or are not recommended for retention. The Board considered your contention that you were never diagnosed as having a personality disorder and that you do not know why you were discharged. However, the Board noted that administrative separation criteria had to have been established to initiate such action, and further noted that you had other medical problems after you enlisted that interfered with your duties, and you have provided no evidence to show that you are now qualified for reenlistment. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether your reason for separation should be changed, since you have not exhausted your administrative remedy. You may submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Discharge Review Board for consideration of such a 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