



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

TJR  
Docket No: 7489-08  
5 June 2009

[REDACTED]

Dear [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 3 June 2009. The names and votes of the members of the panel will be furnished upon request. 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.

You enlisted in the Navy on 27 December 1996 at age 24 and served without disciplinary incident.

On 19 September 1997 you were referred for a medical evaluation after expressing episodes of claustrophobia. At that time you reported pre-service drug use of amphetamines, mushrooms, methamphetamine (crank), and lysergic acid diethylamide (LSD). You also reported an arrest for driving under the influence of alcohol or drugs. Subsequently, you were referred to a mental health unit for a psychiatric evaluation.

On 14 October 1997, during a psychiatric evaluation, you reported a history of suicide attempts and alcohol abuse. You were diagnosed with an adjustment disorder with anxiety and a mixed borderline personality disorder with schizoid features, which interfered with the effective performance of your duties. You

were found to be unsuitable for further service due to multiple personality problems and were strongly recommended for an expeditious administrative discharge because you were a continuing risk to harm yourself if retained.

Subsequently, you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder. At that time you did not object to the separation and waived your right to submit a rebuttal statement to the aforementioned notification. The discharge authority directed an honorable discharge by reason of convenience of the government due to a diagnosed personality disorder and on 17 November 1997 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 potentially mitigating factors, such as your youth and desire to change your narrative reason for separation and reenlistment code. It also considered your explanation for providing false information to be discharged from the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your narrative reason for separation or reenlistment code. Further, the Board concluded that your diagnosed personality disorder was sufficiently supported by the evidence in the record which included, but was not limited to, pre-service drug abuse and suicidal ideation. Finally, it is well settled in the law that if a Sailor procures a discharge by fraud (providing false information), he should not benefit from the fraud when it is discovered. Therefore, if you lied to get out of the military as you assert, no corrective action would be appropriate. Accordingly, your application has been denied.

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