



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

SJN
Docket No: 09027-08
29 July 2009



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 21 July 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.

You enlisted in the Navy and began a period of active duty on 3 August 1994 at age 19. On 27 April and 11 May 1995, you received nonjudicial punishment (NJP) for incapacitation for the proper performance of duty and 10 specifications of failure to go to your appointed place of duty. On 31 May 1995, you were diagnosed with a personality disorder. The report stated, in part, that you had suicidal ideation, you would have been happier being out of the Navy, and although you were not suicidal or homicidal, you were a continued risk to do harm to yourself or others.

On 2 June 1995, you were processed for separation by reason of convenience of the government due to the diagnosed personality disorder. On 18 October 1972, you elected to receive copies of documents to be forwarded to the separation authority, but waived all other procedural rights. On 2 June 1995, your commanding officer forwarded your case to the separation authority,

recommending a general discharge. However, the separation authority directed an honorable discharge based on type warranted by service record. You were so discharged on 14 June 1995. At that time you were assigned an RE-4 reenlistment code.

Applicable regulations authorize the assignment of an RE-4 reenlistment code to individuals who are separated due to a diagnosed personality disorder. The Board noted the diagnosed personality disorder, suicidal ideation, and the fact that you were a risk to harm yourself and others. Based on the foregoing, the Board concluded that there is no error or injustice in your reenlistment code given the diagnosed personality disorder. 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