



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

TJR
Docket No: 10600-09
29 July 2010

[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 27 July 2010. 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 15 February 2007 at age 20 and served without disciplinary incident. On 21 February 2007 you were referred for a mental evaluation for suicidal ideation, after stating, in part, that you would kill yourself by any means possible. You were diagnosed with a recurrent major depressive disorder, cannabis dependence, which was in remission, and a borderline personality disorder with conduct disorder features. The report further stated that you posed as a risk to yourself and/or others. As a result, you were recommended for an expeditious administrative separation. Subsequently, you were advised that you were not eligible for reenlistment due to the diagnosed psychiatric problems. On 27 February 2007 you were notified of pending administrative separation by reason of erroneous entry due to the diagnosed psychiatric problems. You did not object to the separation, and after waiving your procedural rights, your commanding officer directed an uncharacterized entry level separation by reason of erroneous entry. On 13 March 2007, while serving in paygrade E-3, you were so separated 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 reenlistment code. It also considered the health records submitted in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your diagnosed psychiatric problems which affected your potential for the performance of your expected duties and responsibilities. Further, the Board concluded that your diagnosed psychiatric problems and nonrecommendation for retention or reenlistment were sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. 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