



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

TJR
Docket No: 10749-09
12 August 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 10 August 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 23 September 2000 at age 18, began a period of active duty on 18 October 2000, and served without disciplinary incident.

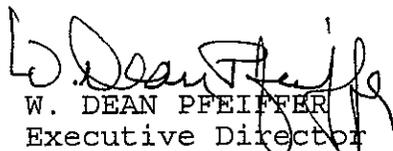
Your record reflects that on 8 November 2000 you were referred for a mental evaluation for depressive symptoms. You were diagnosed with a dependent personality disorder, an oppositional defiant disorder, and a conduct and behavior disorder, all of which existed prior to your enlistment. Because the severity of these disorders, you were recommended for an expeditious administrative separation. On 15 November 2000 you were notified of administrative separation by reason of erroneous enlistment as evidenced by your diagnosed personality and oppositional defiant disorders. It appears that you did not object to the separation and waived your right to submit a separation rebuttal statement.

However, the record clearly reflects that the discharge authority directed your commanding officer to issue you an uncharacterized entry level separation by reason of erroneous entry, and on 21 November 2000, while serving in paygrade E-1, you were so discharged and were 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 your assertion that you do not have any mental disorders that would render you unfit to serve in the armed forces. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the severity of your diagnosed personality and oppositional defiant disorders. The Board concluded that your mental disorders, nonrecommendation for retention, and failure to complete recruit training were sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Finally, there is documented evidence in the record that is contrary to your assertion. 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