



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

TAL
Docket No: 840-10
26 October 2010

[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 21 October 2010. 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.

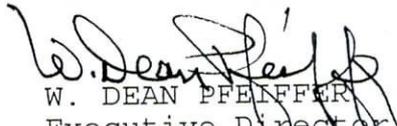
You enlisted in the Navy and began a period of active duty on 28 September 2009 at age 18. On 29 September 2009, you were the subject of a mental health evaluation that diagnosed you with a childhood onset conduct and antisocial personality disorder. It was stated in part that you enjoyed mentally torturing animals by trapping them and threatening their lives. And that you tended to egg people on so the confrontations would become physical. It was determined that your diagnosed personality disorder would affect your potential for performance of expected duties and responsibilities while on active duty. On 1 October 2009, your accession urinalysis tested positive for marijuana. You were notified of the recommendation that you be discharged by reason of erroneous entry (drug abuse). Subsequently, your commanding officer directed an entry level separation. You were so discharged and assigned an RE-4 reenlistment code on 13 October 2009.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and contention that you would like to reenlist in the armed forces.

Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code given the seriousness of your misconduct. Applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to erroneous entry based on pre-service use of drugs and 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