



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

SJN
Docket No: 00941-10
28 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 26 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 25 July 2001. The Board found that you received nonjudicial punishment (NJP) for 22 days of unauthorized absence (UA). You received a forfeiture of pay, restriction, and extra duty. On 20 September 2001, you were the subject of a recruit mental health evaluation that diagnosed you with an adjustment disorder with mixed disturbance of conduct. The evaluation stated, in part, that you demonstrated an inability to adjust since your arrival at recruit training (unauthorized absence, suicide threats, and continuously seeking separation from the service). You were found to be immature and unwilling to accept responsibility for your life and decisions. Subsequently, it was determined that your condition was not correctable to meet Navy standards and it posed a risk if you were retained on active duty. Subsequently, you were discharged with an entry level separation by reason of erroneous entry on 28 September 2001. At that time, you were assigned a reenlistment code of RE-4.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and short period of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your RE-4 reenlistment code given your NJP and diagnosed adjustment disorder. The Board noted that applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated due to a diagnosed medical condition. The Board thus concluded that there is no error or injustice in your reenlistment code. 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