



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

JRE

Docket No. 02528-10

28 May 2010



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 28 May 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 27 September 2004. You underwent psychological evaluation on 17 March 2005 and were given diagnoses of depressive disorder, not otherwise specified (NOS), and personality disorder, NOS, with borderline traits. You told the psychologist who conducted the evaluation that you had had problems with anger, interpersonal sensitivity, a sense of emptiness, ongoing suicidal ideations, difficulty controlling your actions on certain occasions, and feelings of sadness. You explained that you were angry toward the Marine Corps over your recruitment to active duty, as you had wanted to join the Marine Corps Reserve. You also indicated that your anger made it difficult for you to remain in the Marine Corps. On 12 April 2005 your commanding officer advised you that he intended to recommend that you be discharged for the convenience of the government by reason of a personality disorder. On 14 April 2005

you acknowledged in writing that you had been advised of your rights in connection with your proposed discharge by reason of a personality disorder. You were discharged for the convenience of the government by reason of a personality disorder on 27 May 2005 and assigned a reentry code of RE-4, as permitted by provisions of the Marine Corps Separation and Retirement Manual.

The Board carefully considered the statement of a psychologist you submitted in support of your application, but found it insufficient to demonstrate that the diagnoses you were given on 17 March 2005 are erroneous. The Board did not accept your contention to the effect that you were told you were being processed for discharge by reason of hardship, rather than a personality disorder, as that contention is belied by the evidence of record. The fact that your reentry code makes you ineligible for enlistment in the Connecticut National Guard does not demonstrate that the code was improperly or unjustly assigned, or establish that it would be in the interest of justice for the Board to assign you a more favorable reentry code to facilitate your enlistment. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for correction of the reason and authority for your discharge because you did not exhaust an available administrative remedy by applying to the Naval Discharge Review Board. A DD Form 293 is enclosed for your use in that regard.

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