



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 4657-11
10 February 2012

[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 7 February 2012. 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 5 March 1990 at age 19, immediately began a period of active duty, and served without disciplinary incident. About three months later, on 8 June 1990, after being referred for a psychiatric evaluation due to depression, you were diagnosed with alcohol dependency and a personality disorder with severe impulsive and antisocial features. The psychiatric report stated, in part, that you had suicidal thoughts several times on a daily basis, but did not want to die, just injure yourself as a means to get out of the Navy. As a result, you were recommended for an expeditious administrative separation. Subsequently, you were processed for an administrative separation by reason of convenience of the government due to your diagnosed personality disorder. The discharge authority directed an uncharacterized entry level separation by reason of convenience of the government due to a diagnosed personality disorder. On 20 June 1990, while serving in paygrade E-2, you were so discharged 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 recharacterize your service and change your reenlistment code. It also considered your assertion that you made up stories to get out of the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your diagnosed personality disorder and failure to complete recruit training. Finally, it is well settled in the law that if a Sailor procures a discharge by fraud/lying, he/she should not benefit from the fraud when it is discovered. With that being said, if you lied to get out of the Navy as you assert, no corrective action would be appropriate. 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