



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

ELP
Docket No. 2732-01
17 August 2001

[REDACTED]

Dear [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 Navy Records, sitting in executive session, considered your application on 15 August 2001. 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 Navy on 11 June 1999 for four years at age 21. The medical record reflects that on 21 June 1999, while still in recruit training, you underwent a mental status examination to rule out suicidal and homicidal risk. The results were within normal limits. You were diagnosed with an occupational problem and returned to duty.

On 30 June 1999 you were seen in the medical clinic to rule out a heart murmur. At that time, you indicated that you wanted to go home and stated "I can't cope, I can't PT, and can't handle it." You stated that you wanted to be returned to the recruit evaluation unit for further evaluation. On the same day, you underwent a psychiatric evaluation to rule out an adjustment disorder. At that time, you claimed you could not cope, had thought seriously about hurting yourself, but had no plans to

commit suicide. You stated that you got angry easily, could not concentrate and were afraid of failure, did not get along with some of the recruits, had a hard time breathing, and had been depressed since reporting to recruit training because the military lifestyle was not for you. The foregoing diagnosis of an occupational problem remained unchanged.

On 15 July 1999 you were interviewed and evaluated by the recruit mental health unit. On the basis of history you reported, assessment interviews and observed behavior, it was determined that you were unsuitable for service and your symptoms supported a diagnosis of borderline personality disorder. An entry level separation was recommended.

On 19 July 1999 you were notified that administrative separation action was being initiated by reason of defective enlistment and induction due to erroneous enlistment as evidenced by the diagnosed disorder. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. The discharge authority directed an uncharacterized entry level separation by reason of erroneous entry. You were so discharged on 27 July 1999.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals separated by reason of erroneous entry. The Board noted the statement from your doctor that after working with you for the past three years, he has seen no evidence of a personality disorder. Your doctor provides no evidence of his qualifications or a comprehensive psychiatric evaluation to support his contention or to refute the Navy's diagnosis. The Board noted that your doctor did not view you from the same vantage point that the Navy doctors and psychiatrists observed you when you were subjected to the unique pressures of recruit training. The Board noted that the Navy views suicidal gestures or threats, whether manipulative in nature or not, with grave concern and such individuals are considered a potential threat for harm to themselves or others if retained. The Board thus concluded that the reenlistment code was proper and no change is warranted. 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