



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TRG
Docket No: 2810-00
25 October 2000

[REDACTED]

Dear [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 17 October 2000. 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.

The Board found that you enlisted in the Navy on 12 November 1998 at age 18. Subsequently, you were referred for a psychiatric evaluation due to an undisclosed history of psychiatric treatment. The psychiatric evaluation states, in part, as follows:

... In 1994, he received 2 weeks of inpatient treatment for depression and was medicated with lithium for 9 months. In 1995, he was hospitalized 2.5 months for depression, and was medicated with Depakote and Ritalin for 2 months and Desipramine for 4 months. In 1996, he was hospitalized 5 months for depression, and medicated with Depakote 550mg three times a day. (He) has received outpatient treatment from 1994 until Sept of 1998. (He) reported a depressed mood for the last four years, periods of uncontrollable crying, and his longest period without being depressed being one month.

....

The diagnosis was Dysthymic Disorder and you were recommended for separation because of the disqualifying psychiatric condition.

On 23 November 1998 you were notified of separation processing due to erroneous enlistment. In connection with this processing, you elected to waive your procedural rights. On 25 November 1998 the separation authority directed an entry level separation. You were so separated on 1 December 1998. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations allow for the assignment of an RE-4 reenlistment code with an individual is separated because of an erroneous enlistment. In your case, it appears that you concealed an extensive psychiatric history. Further, the psychiatric diagnosis made by the Navy means that you are not qualified for service. Therefore, the Board concluded that the RE-4 reenlistment code was properly assigned 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