



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

ELP  
Docket No. 2949-01  
24 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 22 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 7 February 2000 for four years at age 20. At that time, you extended your enlistment for an additional period of 12 months for training in the dental technician rating. On the enlistment documents and your application for a security clearance, you stated that you were single and never married.

On 27 March 2000 you were referred to the recruit mental health unit for evaluation after being in an unauthorized absence (UA) status for several hours. During the course of the evaluation, you disclosed a variety of behaviors that met the criteria for a diagnosis of anti-social personality disorder. You reported a prior service history of fighting, vandalism, breaking and entering, and selling drugs. More recently, you had vague thoughts of self-harm or going UA if you were returned to duty; difficulty getting along with your shipmates; and trouble concentrating because your wife had a baby on the day you left for recruit training, and the baby was ill. You were diagnosed with an antisocial personality disorder and an entry level separation was recommended.

On 30 March 2000 you were notified that administrative separation

action was being initiated by reason of defective enlistment and induction due to erroneous enlistment as evidenced by an anti-social personality 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. Thereafter, the discharge authority directed an entry level separation by reason of erroneous entry. You were so discharged on 5 April 2000 and assigned an RE-4 reenlistment code .

The Board noted your contentions to the effect that the Navy's diagnosis is untrue, you wanted to be discharged because your baby was born the day you left for recruit training and was ill at that time, and your ex-wife had filed for divorce. You state that the evaluator said were homesick, but you asserted that you had problems and needed to be discharged. Subsequently, the doctors began asking numerous questions about your childhood and the fights you were in.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous enlistment. 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 to harm themselves or others if retained. You have provided no medical evidence that the Navy's diagnosis of a personality disorder was erroneous. Further, you failed to disclose your dependents on your pre-enlistment documents. Since you have been treated no differently than others discharged under similar circumstances, the board could find no error or injustice in your assigned reenlistment code. 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