



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

ELP
Docket No. 3886-01
15 October 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 October 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.

The Board found that you enlisted in the Navy on 24 August 1988 for four years at age 19. Your enlistment papers show that you were assigned to the seaman apprenticeship program with no specific guarantees. The record reflects that you were advanced to SA and served without incident until 9 February 1989 when you received nonjudicial punishment (NJP) for a six day period of unauthorized absence and missing ship's movement.

On 17 February 1989 you stated that you had taken 12 Tylenol tablets the previous day, had been feeling depressed for the past two weeks, and thought about suicide "all the time." The examining medical officer noted that the overdose appeared to be a suicidal gesture and not a genuine attempt at suicide. Although you denied any suicidal ideation at that time, you indicated that you would do anything to get out of the Navy. You were scheduled for a psychiatric evaluation upon the ship's return to Norfolk.

On 8 March 1989, you were evaluated by a psychiatrist who noted your chief complaint was "I hate the Navy and will do anything to get out, even suicide." You reported impulsive behavior such as quitting a lot of jobs and enlisting in order to support a second illegitimate child. You also reported that you continued to smoke marijuana after enlisting, and did not plan to stop. You were diagnosed with an unspecified personality disorder with antisocial features, and marijuana abuse. The examining psychiatrist opined that you posed a potential a risk for harm to yourself and others if retained and recommended administrative separation by reason of unsuitability.

On 19 March 1989 you were notified that administrative separation action was being initiated by reason of convenience of the government due to the diagnosed personality disorder. You were advised of your procedural rights and told that if discharge was approved, it could be under honorable conditions. You did not object to the discharge. Thereafter, the discharge authority directed an honorable discharged by reason of personality disorder. You were so discharged on 3 April 1989 and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of a diagnosed personality disorder. The Board noted your contention to the effect that you did not get a fair chance at "A" school, even though you had decent test scores, and as a result you were unhappy with the Navy. The Board noted that you received no specific guarantees when you enlisted. During classification interviews in recruit training, it is determined whether an individual is qualified for a specific occupational field. The fact that you did not receive an "A" school is not relevant to the reason for your discharge. The Board was also unable to determine what your true statement is, the one you are making now, or the statements you made to be discharged from the Navy. 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 possible threat for harm to themselves or others if retained. You have provided no medical evidence that the Navy's diagnosis of a personality disorder was erroneous. The Board believed that an NJP, your admitted and continued use of marijuana, and suicidal ideation provided sufficient justification to warrant the assignment of an RE-4 reenlistment code. The Board 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