



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

CRS
Docket No: 4538-01
13 December 2001

Dear 

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 12 December 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 28 March 1996 at age 18. On 16 October 1996 you received nonjudicial punishment for an unauthorized absence of 27 days. A psychiatric evaluation, conducted on 4 November 1996, found that you had a personality disorder. Further, the evaluation noted your statement to the effect that the only way out of the Navy was suicide.

On 4 December 1996 the commanding officer recommended that you be separated with a general discharge by reason of the diagnosed personality disorder. When informed of the recommendation, you elected to waive the right to submit a statement in response to the proposed action. After review by the discharge authority, the recommendation for separation was approved and you received a general discharge on 26 December 1996. At that time you were assigned a reenlistment code of RE-4.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and

immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge or change the reason for discharge.

The Board noted that an RE-4 reenlistment code is authorized by regulatory guidance and is often assigned to an individual separated due to a diagnosed personality disorder, especially if a servicemember is deemed to be a threat to himself or others. The Board also noted your statement to the effect that you feigned the symptoms of a personality disorder in order to get out of the Navy. It is well settled in the law that an individual who procures his discharge by fraud should not benefit from the fraud when it is discovered. The Board thus concluded that there is no error or injustice in your reenlistment code.

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