



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

TRG
Docket No: 4916-01
9 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 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 7 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 19 April 1995 at age 18. A psychiatric evaluation in the record states that you were referred by the chaplain for depression, frequent crying, inability to adapt to military life, anger, anxiety, and problems with your family and girlfriend. You told the psychologist that you were afraid you would lose your temper and hurt someone, had thoughts of suicide, had used marijuana, and tried to overdose on vitamins. In addition, you stated that while in high school, you started hitting walls and mirrors and cut your hands many times. You were diagnosed with an unspecified severe personality disorder, with borderline, narcissistic and passive-aggressive features. You were considered to present a continuing danger to yourself or others if you were not discharged, and an expeditious discharge was recommended.

Based on the psychiatric evaluation, you were processed for an administrative discharge. In connection with this processing, you elected to waive your procedural rights. On 17 September 1996 the discharge authority directed a general discharge by

reason of the diagnosed personality disorder and you were so discharged on 9 October 1996. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In 1998 the Naval Discharge Review Board determined that an honorable discharge was appropriate in your case and directed that your record be so corrected. A DD Form 214 has been issued to show that you received an honorable discharge on 9 October 1996.

You are now requesting a change in the reenlistment code so that you can reenter the Navy. In support of your request you have submitted a letter from a psychologist dated 22 July 2001. The psychologist indicated that he conducted an interview with you, reviewed the psychological evaluation done by the Navy, and administered psychiatric testing. The letter states, in part, as follows:

... He alleges that he chose to present a severe clinical picture to the examining psychologist in order to get an early discharge. He stated that many of the facts alleged at the time including the alcohol abuse, breaking mirrors, and general unhappiness were fictional and designed to create a picture of distress.

....

Since discharge, he attended the American Center of Technical Arts and Science and completed a 20 month program in cardiovascular technology. While he stated he likes his current work, and feels his employer to be fair, he feels it to be limiting and believes he should have gone into nursing. His stated reason for wanting to reenter the military is that "I cheated myself about being my own person. I was trying to live for my family and not myself."

The current evaluation provided the following clinical impressions. There is no evidence of current drug or alcohol abuse. There is no evidence of psychosis, a mood disorder, paranoia, or problems controlling aggression or anger. (He) presents as an articulate, intelligent individual who is very self-centered and looks for approval and admiration from others. He will work hard, and possibility be manipulative, to create the impression he wants others to have. Failing to get the desired reaction, admiration or acknowledgment he wants, he may feel

discouraged and stressed. Translating this into issues pertinent to reenlistment in the military, I would state that the aforementioned characteristics represent tendencies and do not qualify clinically for designation as a personality disorder. He does seem to have learned from his experiences of five years ago. He appears to have matured, is motivated and able to acknowledge his mistakes, can better accept responsibility, and wants to improve his position in life. He appears have an understanding of the reality of the rigors of military life. However, pre-reenlistment interviewing should stress these factors and further assess his awareness and willingness to work his way up through the system. Clinical evidence suggests that (his) stress tolerance and overall psychological functioning are adequate to allow for consideration for reenlistment in the military and for adequate functioning in military life.

The Board noted that the diagnosed severe personality disorder appears to be correct, based on the referral by the chaplain and the information you presented to the Navy psychologist in 1996. You are now stating that you deliberately presented a false picture of your situation in order to be discharged from the Navy. However, it is well settled in the law that an individual who perpetrates a fraud in order to be discharged should not benefit from that fraud when it is discovered. In this regard the Board could not tell if you were lying then or are lying now. The Board concluded that in either case, an RE-4 reenlistment code was appropriate and it should not now be changed.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you desire to change the name on your Navy service record, you should submit the enclosed Standard Form 180, with a copy of the court order changing your name, to the custodian of your service record.

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

Enclosure