



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

TJR
Docket No: 6873-01
20 March 2002

[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 Naval Records, sitting in executive session, considered your application on 12 March 2002. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 24 June 1999 at the age of 18. Your record reflects that on 1 July 1999, after undergoing a psychological evaluation, you were diagnosed with an oppositional defiant disorder, which existed prior to your enlistment. At that time the psychologist recommended an entry level separation due to a disqualifying psychiatric condition which affected your potential to perform your expected duties and responsibilities. The psychiatric report noted, in part, as follows:

It was determined that the following symptoms of oppositional defiant disorder with negativistic, hostile, and defiant behavior lasting at least six months which has caused significant impairment in academic, occupational, or social functioning:

Often loses temper, deliberately annoys people, is touchy or easily annoyed by others, angry and resentful, spiteful or vindictive; in about two fights a month since age 12 to present.... shoots cats and

rodents..... heavily abused alcohol.... spray painted school.... has done a great deal of reckless driving.

Subsequently, you were processed for an administrative separation by reason of erroneous entry due to the diagnosed oppositional defiant disorder. Accordingly, on 12 July 1999, you received an uncharacterized entry level separation by reason of erroneous entry due to the diagnosed oppositional defiant disorder, and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded these factors were not sufficient to warrant changes in either the entry level separation, narrative reason for separation, or reenlistment code. The Board concluded that the narrative reason for separation was justified by the diagnosis of oppositional defiant disorder, since you would not have been enlisted had recruiting authorities been aware of the disorder. An entry level separation is assigned to an individual, such as yourself, who is processed for separation within 180 days of entering active duty. An RE-4 reenlistment code is authorized when an individual is separated due an erroneous enlistment, and was warranted given the nature of your disqualifying psychiatric condition. Given all the circumstances of your case, the Board concluded your separation, narrative reason for separation, and the assigned reenlistment code were proper as issued 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