



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

TRG
Docket No: 1474-02
19 December 2002

[REDACTED]

[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 17 December 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. In addition, the Board considered the advisory opinion furnished by a Navy psychiatrist, a copy of which is enclosed and your rebuttal thereto.

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 available record shows that you enlisted in the Marine Corps on 2 August 1993 at age 18. On 28 November 1994 you were counseled following a domestic altercation and being combative toward authorities to the point of being forcibly restrained. Subsequently, you were processed for discharge due to a diagnosed personality disorder. You were honorably discharged for that reason on 30 January 1995. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In support of your request for a change in the reenlistment code, you have submitted an evaluation from a licensed clinical psychologist who performed testing, interviewed you on two occasions, and concluded that you do not have a personality disorder.

In order to resolve the conflicting psychiatric evaluations, an advisory opinion was obtained from a Navy psychiatrist. The advisory opinion states, in part, as follows:

.... The subject's post-service evaluation does not mention a review of the patient's psychiatric records, and it contains little relevant psychiatric data save for a brief description of recent function and the results of one assessment instrument. On the other hand, the patient's medical record documents a history of "on and off", or chronic, suicidality, which apparently started at age 15, a domestic altercation, poor adaptation to military life and a lengthy (3rd to 9th) grade) past psychiatric history, treated by counselors, for "probable ADHD".

.... This ex-Marine is likely unable to withstand the vicissitudes of military life, hence his re-enlistment code should not be changed. Additionally, he has presented insufficient evidence to merit a change in the diagnosis.

You essentially contend in your rebuttal to the advisory opinion, that you were immature, recently married with a stepdaughter and under considerable stress. You point out that you performed your duties very well and were awarded a Navy Achievement Medal. Additionally you are still married, have three children and have been certified as a foster parent. You have submitted a resume that shows that you have been steadily employed with a good record. You contend that you were only evaluated on one occasion and there was no psychological testing involved. You continue to believe that you were misdiagnosed.

The Board believed that the behavior described in the counseling entry was sufficient to support the conclusion that you were having difficulties adapting to military life, and noted that you have not refuted the history of psychological problems set forth in the advisory opinion. Finally, the Board is aware that personality disorders may only become manifest when an individual is under stress, and you were not under stress when you were evaluated by the civilian psychologist. Therefore, the Board substantially concurred with the comments contained in the advisory opinion.

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

Enclosure

31 July 2002

From: [REDACTED]
To: Chairman, Board for Correction of Naval Records

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF
[REDACTED]

Ref: (a) 10USC1552

Encl: (1) ltr from BCNR docket no. 01474-02 dtd 10 April 2002
(2) BCNR file
(3) Service Record

1. Pursuant to reference (a) and enclosure (1), I have reviewed enclosures (2) and (3).
2. The subject's post-service evaluation does not mention a review of the patient's psychiatric records, and it contains little relevant psychiatric data save for a brief description of recent function and the results of one assessment instrument. On the other hand, the patient's medical record documents a history of "on and off," or chronic, suicidality, which started apparently started at age 15, a domestic altercation, poor adaptation to military life, and a lengthy (3rd-9th grade) past psychiatric history, treated by counselors, for "probable ADHD."
3. This ex-Marine is likely unable to withstand the vicissitudes of military life, hence his re-enlistment code should not be changed. Additionally, he has presented insufficient evidence to merit a change in his diagnosis.

[REDACTED]

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