



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

ELP
Docket No. 5803-01
11 January 2002

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 9 January 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 11 September 1990 for three years as a QM3 (E-4). At the time of your reenlistment, you had completed more than five years of prior active service.

The record reflects that you served without incident until 1 June 1993 when you received a nonjudicial punishment (NJP) for assault and drunk and disorderly conduct. Punishment imposed consisted of a forfeiture of \$540, a suspended reduction in rate to QMSN (E-3), and 45 days of restriction and extra duty. However, you were advanced to QM2 (E-5) on 15 November 1993.

The medical record reflects that on 27 January 1994 you approached the ship's chief corpsman in an acute stage of anxiety. He noted that words were exchanged between you and others in the CPO mess. You became more agitated and threatened

to kill them. This tirade continued all the way to sickbay, where you remained agitated and threatening while relating the precipitating events to the chief corpsman. You repeatedly stated: "Doc, you better get me off of here before I kill one of them"

On the same day, you underwent a psychiatric evaluation due to your angry outburst and threatening a master chief. You admitted to getting very angry with the leading petty officer and master chief during the last few days, and claimed that your desire to leave the ship, or get away from those individuals with whom you worked, had resulted in your being placed on report and in pre-trial confinement. You admitted that you had a temper control problem and had about four NJPs at a previous command, one at the current command, and one was pending. You were diagnosed with a personality disorder, not otherwise specified, with narcissistic and self-defeating personality traits, and an adjustment disorder with conduct and anger control problems. Although you were not currently considered to be suicidal or homicidal, you were judged to represent a continuing risk for harm to yourself and others if retained in the Naval service due to your chronic difficulty coping with the stress of military life. Immediate processing for administrative discharge was recommended.

On 2 February 1994 you received a second NJP for disobedience, disrespect, damaging government property, two instances of communicating a threat, and an unspecified period of unauthorized absence. Punishment consisted of a reduction in rate to BT3, forfeitures of \$500 per month for two months, and 60 days of restriction.

On 18 February 1994 you were separated with a general discharge by reason of personality disorder and assigned an RE-4 reenlistment code. The discharge processing documentation is not on file in the record.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of a diagnosed personality disorder. Regulations also require that the precise reason for discharge be shown on the DD Form 214. You have provided no medical evidence refuting the Navy's diagnosis of a personality disorder as invalid or erroneous. Absent such evidence, the Board concluded that the reason for discharge and separation code were appropriate. The Board noted that the Navy views suicidal or homicidal ideation with serious concern, and assignment of an RE-4 reenlistment is justified since such individuals pose a potential risk for harm to themselves and others if retained. 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.

The Board did not consider the characterization of your discharge since you did not request an upgrade, and have not exhausted your administrative remedy by first petitioning the Naval Discharge Review Board. That board is authorized to change both the reason and characterization of discharge. However, it cannot change a reenlistment code. Enclosed is a DD Form 293 used to apply to that board.

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