



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

CRS
Docket No: 8839-02
13 December 2002

[REDACTED]

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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 19 November 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 enlisted in the Navy on 24 September 1997. The record reflects that on 10 April 1998 you received nonjudicial punishment (NJP) for being disrespectful in language. A psychiatric evaluation, conducted on 12 April 1998, found that you had a personality disorder. On 15 April 1998 you received an entry level separation by reason of entry level performance and conduct. At that time, you were assigned a reenlistment code of RE-4.

On 11 April 2000 the Naval Discharge Review Board changed your discharge to a general discharge by reason of secretarial authority.

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, given that you received an NJP during an enlistment that lasted less than seven months.

The Board also noted that an RE-4 reenlistment code is authorized by regulatory guidance and can be assigned to individuals who are separated due to secretarial authority. In this regard, the Board noted that the psychiatric evaluation not only diagnosed a personality disorder but also concluded you were a threat to harm yourself and others. The Board also noted that you now claim to have lied about having a personality disorder. Unfortunately, the Board could not determine if you were lying then or lying now. Nevertheless, the law is very clear that an individual who procures a 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