



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2662-97

22 June 1999

[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 15 June 1999. 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 12 March 1982. At that time you had completed four years of active service on a previous enlistment.

On 14 July 1983 you were referred for a psychiatric evaluation because of job difficulties. On 18 July 1983 you were found to have an avoidant personality and were recommended for administrative separation. On 8 December 1983 you received nonjudicial punishment for disobedience and disrespect. Subsequently, you left shore duty and on 18 May 1984 you reported aboard the USS NIMITZ (CVN 68). Three days later you were referred for another psychiatric evaluation. The subsequent evaluation noted that you were likely to remain an administrative and disciplinary burden and recommended that you be discharged. Six days later you were admitted to a civilian emergency room after you ingested six beers and four pain pills. On 26 June 1984 you were admitted to a naval hospital for a psychiatric evaluation and remained there until 2 August 1984. The psychiatric evaluation states, in part, as follows:

... hospitalized after beating his head against the wall and punching himself in the face and head .. behavior was precipitated by the end of the patient's leave period .. prospect of returning to the ship he drank ten beers and began to punch himself about the face and head

Laboratory Studies: Laboratory Studies were within-in normal limits.

Hospital course: ... Psychological testing confirmed 'autistic or strange logic'...presents with considerable stress and thought processes characterized by loose organization, confusion, inconsistency and poor integration. This is combined with an extremely poor self image and low tolerance for stress... treated with individual and group therapy ability to cope with anger and stress improved markedly ... became significantly more communicative during times of stress ... unmotivated for the service ... No further evaluation of alcohol abuse was considered warranted.

Discharge Diagnosis: 1) Mixed Personality Disorder with Borderline, Antisocial and Dependent Features.

Condition on Discharge: 1) The patient's personality disorder is of a long standing nature and little change in his behavior is expected. Administrative separation is recommended. ...

Based on the psychiatric evaluation you were processed for an administrative discharge. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board. On 31 August 1984 the discharge authority approved the recommendation for discharge of your commanding officer and directed the type of discharge warranted by your service record. You were honorably discharged on 21 September 1984. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code

On 10 September 1993 you were informed that the Board had denied your request for a change in the reason for your discharge and reenlistment code. You are now requesting removal of the nonjudicial punishment, a change in the reason for discharge to best interest of the service or a medical discharge and a change in the reenlistment code. In support of your request you have submitted a lengthy statement. Concerning the NJP, you state that a chief petty officer lost his temper for no good reason and

the subsequent NJP was an abuse of authority. You then contend that the psychiatric evaluations had numerous errors and that you should have been diagnosed with a major depressive disorder and/or a mood disorder due to hypothyroidism. You have submitted various psychiatric evaluations for the period 2 January 1996 to 23 September 1996 in which you received those diagnoses. On 23 September 1996 your diagnosis was recurrent, mild major depressive disorder with seasonal pattern. You contend that if these diagnoses had been made while you were on active duty you would have been treated and retained or retired due to physical disability.

Concerning the NJP, the Board is aware that since NJP evidence is routinely destroyed after two years, the evidence in your case is unavailable. However, the Board noted that you would have been given an opportunity to explain your version of events to the commanding officer. Therefore, it appears that the commanding officer believed that you were disobedient and disrespectful. The Board concluded that, in the absence of evidence to the contrary, the commanding officer did not abuse his discretion when he imposed NJP on 8 December 1983.

Concerning the diagnosed personality disorder, the Board noted that you were given a complete psychiatric evaluation at a major naval hospital. The evaluation noted that laboratory studies were within normal limits and apparently hypothyroidism was not present. The Board noted that the psychiatric evaluations you submitted are dated 12 years after your discharge and they do not refute the evaluation done by the Navy in 1984. The Board concluded that the evidence you submitted was insufficient to warrant a change in the reason for your discharge. Finally, the Board noted that regulations allow for the assignment of an RE-4 reenlistment code when an individual is discharged due to a diagnosed personality disorder. The Board concluded that your behavior, which was described in the psychiatric evaluation, warranted the assignment of an RE-4 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