



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3410-99

30 September 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 28 September 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 enlisted in the Navy on 24 May 1994 at age 18. On 27 May 1994 you were referred for a psychiatric evaluation. You told the psychologist about preservice counseling, suicidal ideation and one suicidal gesture at age 16. You described a pattern of unstable intense relationships, intense and inappropriate anger, self-mutilating behavior, an identity disturbance, frantic efforts to avoid real or imagined abandonment, and chronic feelings of emptiness and boredom. The psychiatric diagnoses were major depressive episode, moderate; dysthymia, primary type, early onset; and borderline personality disorder. You also stated that you did not desire to continue training.

Based on the psychiatric diagnoses, you were processed for an administrative separation. At that time, you stated "I do not object to this separation. On 2 June 1994 the separation authority directed an entry level separation and you were so separated on 7 June 1994. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You state in your application, in part, as follows:

... I believe the code was erroneously assigned because I gave false information during the original psychological evaluation. I have provided a recent psychological evaluation for consideration. I am also including a letter from my mother verifying that the previous reports of self-inflicted harm or suicidal gestures or actions were fabricated. I hope this new information will be considered and I will be granted the reenlistment code change.

The civilian psychologist states that you told him that you "embellished his emotional difficulties at that time to increase the likelihood of his being discharged from the Navy." The psychologist stated that after psychiatric testing he found the clinical profile was within normal limits and suggested no psychological problems, and concluded that you were in excellent mental health at this time.

In reaching its decision, the Board noted the conflicting psychiatric evaluations but concluded that it was essentially irrelevant given your statement that you lied to the Navy psychologist in order to gain separation from the Navy. It is well settled in the law that an individual who commits a fraud in order to be separated from the service, should not benefit from that fraud when it is discovered. In addition, the Board could not tell if you were lying then or are lying now.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is separated due to a diagnosed personality disorder, and such a code is also assigned if an individual is separated because he could not adapt to recruit training for any reason. The Board believed that even if it was conceded that you do not have a personality disorder, you would have been separated for some other reason and would have been assigned 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