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

ELP
Docket No. 2469-99
31 August 1999

[redacted]

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 Naval Records, sitting in executive session, considered your application on 25 August 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 prior to your enlistment, a waiver of physical standards for a history of elevated blood pressure was granted. Your enlistment documents indicated that you answered "no" to the question "have you consulted with a mental health professional or a mental health provider for a mental health related condition?"

You enlisted in the Navy on 25 June 1998 for four years at age 17. The record reflects that on 30 June 1998 you were referred to a mental health unit because of suicidal ideation, inability to tolerate authority, and a prior undisclosed history of psychiatric treatment. You reported a history of anger problems since age 15 and significant inpatient/outpatient psychiatric treatment for depression, a suicide attempt, and drug abuse at age 17. The examining psychologist opined that you demonstrated emotional and behavioral symptoms that were in excess of what would be expected of a typical recruit. You were not considered a good candidate for military training and were diagnosed with an

adjustment disorder manifested by a disturbance of conduct. An entry level separation was recommended.

On 1 July 1998, you were notified that administrative separation was being considered by reason of convenience of the government as evidenced by an adjustment disorder. You were advised of your procedural rights. You declined to consult with counsel and waived your right to review of your case by the general court-martial convening authority. Thereafter, the discharge authority directed an entry level separation and assignment of an RE-4 reenlistment code. On 8 July 1998, you received an uncharacterized entry level separation by reason of erroneous entry and were assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals separated by reason of erroneous enlistment. The Board noted your contention that you answered all of the recruiter's questions to the best of your ability, and cannot understand why your enlistment was considered to be erroneous. Separation by erroneous entry is authorized when an enlistment would not have occurred if a disqualifying factor had been known prior to enlistment. It is unlikely you would have been enlisted had you disclosed on your enlistment documents that you had received inpatient treatment for depression and attempted suicide. The Board noted that individuals with suicidal ideation or who make suicidal gestures pose a potential threat for harm to themselves and others if retained in the Navy. Therefore, the Board concluded that the assigned 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.

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