



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

JRE
Docket No: 7974-97
17 March 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your request for further consideration of 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 11 February 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. In this regard, the Board adhered to its original findings and conclusions as reflected in the enclosed letter dated 21 October 1993. It was not persuaded that the medical care you received while serving in the Navy was inadequate, or that you were unfit for duty because of a mental disorder, residuals of a laceration, or any other condition at the time of your discharge. In this regard, it noted that on or about 1 June 1992, while undergoing your pre-separation physical examination, you stated you were in good health. You did not complain of any symptoms of significant physical or mental disorders at that time, and none were noted by the examining physician, who found you physically qualified for separation. The Board was unable to conclude that the diagnosis of a personality disorder, which led to your discharge, was incorrect, or that your discharge was otherwise erroneous or unjust. It noted that the determination of your entitlement to benefits administered by the Department of Veterans Affairs is not within the purview of the Board, and that questions concerning the computation of your separation pay entitlement should be directed to the Defense Finance and Accounting Service.

In view of the foregoing, 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

Enclosure



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
WASHINGTON, D.C. 20370-8100

EBM
Docket No: 14095-92
21 October 1993

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 19 October 1993. 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 13 January 1989 for four years after more than 12 years of prior honorable service. Your record reflects that during your last enlistment you served for about four months without incident. However, on 27 May 1990 you were seen by medical authorities because you had attempted suicide. At that time you tried to cut your wrist, but were prevented from doing so by a shipmate. After an evaluation, the diagnosis was "suicidal ideation/gestures, and immature personality." At that time it was recommended that you be removed from your duties with the mess deck master-at-arms, and given medication. At a follow-up evaluation the next day you denied being suicidal or homicidal. You were to be referred to a medical officer when available, and continue bed rest and medication.

On 5 June 1990 you were referred for a psychiatric evaluation. The provisional diagnosis was "passive-dependent personality traits", with a history of suicide gestures. However, the final diagnosis was "dysthymic disorder with a multiplicity of neurotic and sexual problems, and immature or mixed personality disorder." The psychiatrist indicated that you were responsible for your behavior and could be trusted as an outpatient.

The enlisted performance evaluation for the period 1 April 1990 to 31 March 1991 shows that you received an adverse mark of 2.6 in the category of rating knowledge/performance. At that time the commanding officer (CO), in his comments, stated that you were a capable worker with a sincere desire to learn. He further stated that although you would like to become a proficient Gas Turbine Systems Electrician (GSE) you did not appear to have the ability to learn advanced electronic technical procedures. The CO stated that you needed to find a rating in which you could apply your energy and dedication. You were not recommended for advancement, but you were recommended for retention in another rating.

A psychiatric evaluation of 14 June 1990 shows that you were seen on a daily basis in the outpatient mental health department of the Naval Hospital at Naples, Italy. The report indicated no improvement in your attitude and you were considered to be manageable without any anti-depressant medications, but you were deemed unfit for service at sea or on shore. You were prepared for medical evacuation for further evaluation.

In November or December 1991 your master record was reviewed by a Petty Officer Quality Control (POQC) Review Board and your performance was considered to be below acceptable standards. On 9 December 1991 you received a letter of substandard service. A page 13 entry of 8 January 1992 shows that you signed the entry in which you acknowledged that you had been counseled concerning your deficiencies and the corrective action to be taken. You also acknowledged that you were placed on the POQC and were restricted from reenlisting or extending your enlistment without specific prior approval of the Chief of Naval Personnel (CNP).

The enlisted performance evaluation for the period 1 April 1991 to 31 March 1992 shows that you received a marginal mark of 3.0 in the category of rate knowledge/performance. The CO, in his comments, stated that you were an extremely dedicated petty officer, and were willing to accept assigned tasks. The CO also stated, however, that your technical and managerial expertise in your rating continued to be below that expected of a second class petty

officer. The CO also noted that you had completed a highly successful tour as the mess deck's master-at-arms and received praise during a successful supply material assessment. Additionally, the CO stated that you were a loyal and well-liked member of the USS VANDERGRIFT who was willing to do what it took to support the command, that you had the ability to complete assigned tasks on time, and always maintained a neat and professional appearance. However, the CO stated that your shortcomings tended to overshadow those attributes, and in order for you to be recommended for retention and advancement you had to demonstrate significant improvement in your technical and supervisory skills. You were not recommended for advancement or retention in the Naval service.

On 6 April 1992 you were referred to medical authorities after you became upset and angry and threatened to kill yourself because of problems with junior personnel. After an evaluation the diagnosis was "questionable suicidal ideation and immature personality." It was recommended that you attend stress management classes. On 16 April 1992 you were referred to the mental health department at the Naval Hospital, Long Beach for a fitness for duty evaluation. The diagnosis was "personality disorder." You were found to be fit for duty, but it was noted that your underlying personality interfered with your ability to manage stressors. It was stated that you could benefit from participation in a ten week anger management training. You were found to be responsible for your behavior.

On 20 April 1992 you were notified that you were being considered for an administrative separation by reason of convenience of the government due to the diagnosed personality disorder. You were advised of your procedural rights and you requested only to obtain copies of the documents supporting the basis for separation. You did not object to the discharge. On 6 May 1992 the CO notified the CNP that you would be separated with an honorable discharge due to a personality disorder. In his comments the CO stated, in part, as follows:

"(Petitioner) has exhibited a repeated suicidal tendency when in a stressful environment such as an overseas deployment. His first reported attempt of suicide was in 1987, over marital problems. Then again in May 1990, he attempted suicide while deployed in the Arabian Gulf. On 14 June 1990 he was evaluated as unfit for service at sea. He was then reevaluated on 26 June 1990

as fit for duty after attending a stress coping group at the Naval Hospital in Oakland. Then on 16 April 1992 he expressed in anger, "I will kill myself" over an incident with co-workers on the ship. He was subsequently evaluated fit for duty and not presenting a present risk to harm himself. However, the same evaluation states he uses "poor judgment and impulse control by history." The last evaluation list his current pressures as "wife's medical condition, crew members taunting him about previous suicide attempt, and being unable to see his daughter."

A page 13 entry of 3 June 1992 shows that you were not eligible for reenlistment due to the personality disorder. On that same date you were honorably discharged by reason of "Other Physical/Mental Conditions - Personality Disorder." You were assigned an RE-4 Reenlistment Code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and the period of satisfactory service during your last enlistment. However, the Board concluded that the reason for discharge should not be changed and you should not be reinstated in the Navy. In this regard, the Board was aware that it is well documented in the record that you were diagnosed by competent medical authorities as having a personality disorder. The Board noted that authorities attempted on numerous occasions to assist you during your periods of distress, but you continued to show signs of stress. The Board also noted the comments by the CO in which he stated that you attempted suicide in 1987 and again in 1990, and on 16 April 1992 you stated that you were going to kill yourself over an incident with co-workers on the ship. Further, your contention that the recommendations of medical personnel were ignored and not carried out, has no merit. In this regard, the Board noted that you received medical attention on numerous occasions and the CO stated in his comments that you were reevaluated on 26 June 1990 as fit for duty after attending a stress coping group at the Naval Hospital in Oakland. Additionally, the Board denied your request to change the marks in the category of rate knowledge/performance to "Not Observed". In this regard, the Board noted that your CO did observe your performance and commented on what he had observed at that time. The Board also noted that the CO assigned you the marks that he determined to be appropriate based on your overall performance at that time.

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

Copy to:
DAV