



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

ELP
Docket No.1209-99
19 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 18 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 you enlisted in the Naval Reserve on 28 December 1984 for eight years at age 19. At the time of your enlistment, you had completed nine months in the Army National Guard. On 13 June 1985 you were ordered to active duty for a period of 36 months in the Active Mariner Program.

The record reflects that you were advanced to SA (E-2) and served without incident until 15 January 1986 when you were referred for psychiatric evaluation after exhibiting depressive symptoms, including suicidal ideation. You reported being troubled by homosexual advances from crew members of other ships, and knowledge of homosexual behavior on your ship. You also reported recent losses in your personal life which included the death of a cousin and your girlfriend terminating the relationship. This resulted in thoughts of "jumping over the side of the ship."

You were discharged to duty on 27 January 1986 with diagnoses of adjustment disorder with depressed mood; dysthymic disorder; and

avoidant personality disorder. The examining psychiatrist opined that your chronic depression was not of sufficient magnitude to preclude satisfactory service, but your longstanding problems and relationships due to a personality disorder would preclude further satisfactory service. It was felt there would be recurrence of your suicidal ideation if you were again confronted with homosexual behavior. Administrative separation was recommended.

The medical record reflects that 24 hours after your release from the hospital you became acutely intoxicated and threatened to jump out of a window, and had to be briefly re-hospitalized. The medical record further reflects that you were again seen by the psychiatry department on 6 March 1986, and it was noted that you were strongly motivated for discharge despite the fact that the people you had trouble with had been administratively separated. Additionally, you had dyed your hair in an attempt to avoid further interaction with a gender confused individual who you may have been attracted to you. Administrative separation was again recommended.

You were honorably discharged on 30 April 1986 by reason of "Other Physical/Mental Condition-Personality Disorder" and assigned an RE-4 reenlistment code. The discharge processing documentation is not on file in the record.

In its review of your application, the Board conducted a careful search of your record for any mitigating factors which might warrant a change in the reason for your discharge. However, no justification for such a change could be found. The Board noted your contention that the reason for discharge is incorrect. You assert that there was no indication of a pre-existing personality disorder during your brief period of service in the Army National Guard prior to your enlistment in the Navy. The fact that manifestations of a personality disorder did not appear while serving with the Army National Guard does not mean the Navy's diagnosis was inaccurate since the same circumstances which existed while in Navy did not exist while in the National Guard. You have provided no probative medical evidence that the diagnosis made by competent authority was erroneous or invalid. Further, personality disorders are considered pre-existing conditions. Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of personality disorder. Individuals with suicidal ideation or those who make suicidal gestures pose a potential threat to themselves if retained. The Board thus concluded that the reason of discharge and reenlistment code were proper and no changes are 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