



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2399-99

30 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 you enlisted in the Navy on 17 June 1968 for four years at age 18. The recruit performance record reflects that by 10 July 1968 your performance had become unsatisfactory. You were told to get motivated but refused to train. When told by the officer-of-the-day to get off the bulkhead, your response was "I am already in trouble and I don't care." You were told to report to the quarterdeck where, in a belligerent manner, you stated that you were not going to train and that you would have to be "kicked out." You also stated that you had spent time in a mental hospital. Your poor performance and disrespect towards authority continued. On 23 July 1968 you were sent to see the leading chief petty officer and had a violent outburst. At that time, you rolled into a fetal position when told to stand at attention and screamed at the LCPO.

On 27 July 1968 you were referred to the mental health unit due to your screaming and yelling and difficulty in adjusting to military life. You reported a history of sexual abuse, an

unstable family, and problems with substance abuse. The examining psychiatrist noted that your command evaluated you as a poor performer. You were diagnosed with an adjustment disorder with disturbance of mood and conduct. An entry level separation was recommended due to a disqualifying psychiatric condition.

On 30 July 1998 you were notified that an administrative separation was being considered by reason of convenience of the government due to 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 10 August 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 entry. Your contention that you were immature is of no merit. The fact that you were only 18 when you enlisted did not excuse poor behavior and performance. The Board concluded that your poor performance and inexcusable behavior provided sufficient justification to warrant the assignment of an RE-4 reenlistment code. Since you were treated no differently than other recruits separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded that the 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