



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

ELP  
Docket No. 1087-01  
20 July 2001

[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 Navy Records, sitting in executive session, considered your application on 2001. 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 13 November 1995 for four years at age 18. The report of medical examination conducted prior to enlistment indicated that recruiting authorities were aware of your history of sexual abuse as a child and treatment at a family counseling center.

On 15 November 1995 you were referred to the mental health unit as a result of information obtained during the first week of training. You disclosed that you had been the victim of sexual abuse at age 7 by your step-father's daughter and that for several months you had been consistently depressed with disturbed appetite, increased sleep, low energy, low self-esteem, poor concentration and feelings of hopelessness. You were diagnosed with an unspecified depressive disorder which existed prior to enlistment and considered to be a potential danger to yourself and others if retained.

On 16 November 1995 you were notified that an entry level separation was being considered by reason of defective enlistment and induction due to erroneous enlistment as evidenced by the diagnosed depressive disorder. You were advised of your procedural rights, declined to consult with legal counsel or

submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry. You were so discharged on 27 November 1995 and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of erroneous enlistment. The Board noted your contention that you told a Navy doctor that you were upset and saddened because you were unable to be with an aunt whose health had suddenly deteriorated. You stated that after seeing the doctor, you were discharged and were able to be with your aunt before she passed away. The Board also considered your mother's statement and that of a licensed social worker that you do not suffer from a bipolar disorder.

The Board notes that the consultation report on file in your record does not mention that you were upset over your aunt's health. Further, you were diagnosed with an unspecified depressive disorder and not a bipolar disorder. The social worker's statement indicates that you told him the Navy psychiatrist made the foregoing diagnosis to assist you so you could be with a dying relative. The Board found it difficult to determine what your true statement is, the one you are making now, or the one you made to extricate yourself from your military commitment. In any case, the record indicates you were treated for emotional problems prior to service and provided Navy medical authority a strong basis for finding your retention to not be in the best interests of the Navy. The Board thus 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