



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

ELP
Docket No. 2730-01
20 August 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 15 August 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.

You enlisted in the Navy on 27 July 1993 for four years at age 18. The medical record reflects that on 30 July 1993 you were admitted for a psychiatric evaluation due to disorganized thinking. You reported that you had been hospitalized for a month in January 1993 for a "chemical imbalance in my brain." You were placed in a locked ward where you were offered individual, group and milieu psychotherapy. You initially refused all medication and were disruptive on the ward. You behaved inappropriately toward females and threatened members of the staff, but never became violent. Your behavior and thought processes improved with medication, but you continued to focus on religious and sexual themes. You were diagnosed with an undifferentiated type of schizophrenia, a condition which existed prior to enlistment. An entry level separation was recommended since you did not meet the minimum standards for enlistment.

On 12 August 1993 you were notified that an entry level separation was being considered by reason of a defective

enlistment and induction due to an erroneous enlistment as evidenced by your past medical history. You were advised of your procedural rights, and declined to consult with legal counsel or submit a statement in your own behalf. You did not object to the discharge. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous entry. You were so discharged on 18 August 1993 and assigned an RE-4 reenlistment code.

Regulations provide that a separation initiated within the first 180 days of continuous active duty will be described as an uncharacterized entry level separation. An honorable characterization is authorized only when the presence of unusual circumstances involving personal conduct and performance of duty would warrant such a characterization, and only upon approval by the Secretary of the Navy.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, diagnosed schizophrenic disorder, and the fact that it has been eight years since you were discharged. Your application is unclear as to the corrective action you desire. It appeared to the Board that you want changes in the reason for discharge and reenlistment code. In this regard, the Board noted that you provide no medical evidence refuting the Navy's diagnosis of schizophrenia. The Board noted that you were enlisted in error and would not have been enlisted had your condition been known prior to enlistment. Regulations authorize the assignment of an RE-4 reenlistment code to individuals separated by reason of erroneous entry. Since you do not meet the minimum standards for enlistment due to your mental condition, the Board could find no error or injustice in your assigned reenlistment code. The Board thus concluded that the reason for 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.

You are advised that personal appearance hearings are rarely granted by the Board and only when, in executive session, it determines that a case cannot be resolved without the individual's presence, or the individual's appearance would serve some useful purpose. Your presence was not required for the Board to make a decision.

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