



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

TRG
Docket No: 7912-00
17 October 2001

[REDACTED]

Dear [REDACTED]

This is in reference to 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 16 October 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 14 June 1999 at age 19. On 23 June 1999 you were evaluated by recruit mental health and were diagnosed with a combined attention-deficit/hyperactivity Disorder. The evaluation noted that you were having difficulties in recruit training because you were talking at inappropriate times and could not stop moving, and you had similar difficulties in the past. An entry level separation was recommended because the condition adversely affected your potential to perform military service.

Based on this diagnosis, you were processed for an administrative separation. In connection with this processing, you elected to waive your procedural rights. On 8 July 1999 the separation authority directed an entry level separation by reason of erroneous enlistment and you were so separated on 9 July 1999. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In support of your request to change the reenlistment code, you

have submitted a psychiatric evaluation which states that in 1994 you were treated for recurrent major depression and attention deficit with hyperactivity disorder. You told the psychiatrist that after the 1994 treatment you changed high schools, significantly improved your academic and behavioral problems and, with the aid of several mentors, were able to graduate from high school. The psychiatrist's diagnostic impression was that you were free from any psychiatric disorders. You have submitted references from the principal, guidance counselor, and teachers from your high school attesting to the fact that while you were a student, you were trustworthy, involved in student activities and respected by your peers.

The Board noted that while in recruit training you were referred for an evaluation because you were talking at inappropriate times and could not stop moving. The Navy psychologist believed that your history and symptoms met the requirements for a diagnosis of attention deficit/hyperactivity disorder, and concluded that you were not suitable for military life. There is no evidence in the record, and you have submitted none, to show that your actions while in recruit training were not as described in the psychiatric evaluation or that the diagnosis was not supported by the history and other information presented to the psychologist. Therefore, the Board concluded that you were properly separated from the Navy.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is separated because of an erroneous enlistment, and such a code is normally assigned when an individual is being separated because of an inability to adapt to military life. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

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