



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

TRG
Docket No: 3550-07
28 August 2008

[REDACTED]

[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 26 August 2008. 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 2 April 1990 at age 22. In the preservice documents you failed to disclose treatment for a mental condition and preservice drug abuse. On 24 October 1990 you received nonjudicial punishment for a short period of unauthorized absence.

On 28 June 1991, the Navy Central Adjudication Facility advised you that you were ineligible for a security clearance due to disqualifying information. It was noted that you were admitted to a psychiatric ward on 14 August 1989 and were released on 29 August 1989 with a diagnosis of Schizophreniform Disorder and habitual or episodic use of intoxicants to excess, illegal or improper use, possession, transfer or addiction to any controlled or psychoactive drugs. In an interview on 14 September 1990 you admitted to consuming 6 to 15 beers daily and using marijuana on a weekly basis. You further admitted to lying under oath to the Defense Investigative Agency about the extent of your marijuana use because you were afraid you would not be given a security clearance.

Based on the foregoing record, you were processed for an administrative discharge. On 27 November 1991, the discharge authority directed a general discharge by reason of fraudulent

enlistment and you were so discharged on 27 November 1991.


In its review of your application the Board carefully weighed all potentially mitigating factors, such as your desire to serve and contention, in effect, that your recruiter told you to lie about your preservice drug usage and mental illness, and you believed you should continue to lie in your application for a security clearance. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your admitted concealment of mental illness and drug and alcohol abuse. It is clear that individuals who have been denied a security clearance cannot serve in the Navy. The Board concluded that the general discharge by reason of fraudulent enlistment was proper as issued and no change is warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged because of a fraudulent enlistment. Therefore, you have been treated no differently than others in your situation.

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