



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

SJN
Docket No: 09688-07
21 November 2008



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 19 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 1 April 1985 at age 18. On 14 February 1986 and 17 March 1987, you received nonjudicial punishment (NJP) for wrongful use of marijuana, committing a breach of the peace, and drunk and disorderly conduct. On 17 May and 27 October 1987, you were counseled and warned that further misconduct could result in administrative discharge action.

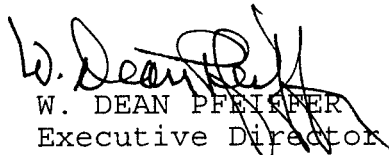
On 6 December 1988, a mental health evaluation was conducted. The report stated that you were suffering from a mixed personality disorder, and although you were not suicidal or homicidal, you were a risk to yourself and others if retained on active duty.

Based on the mental evaluation, you were processed for separation due to the diagnosed personality disorder. On 13 January 1989, you elected to receive copies of documents to be forwarded to the separation authority, but waived all other procedural rights. On 13 January 1989 you were honorably discharged. At that time you were assigned an RE-4 reenlistment code.

Applicable regulations authorize the assignment of an RE-4 reenlistment code to Sailors who are separated due to a diagnosed personality disorder. The Board concluded that there is no error or injustice in your 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