



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

TJR
Docket No: 2099-08
23 January 2009

[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 Naval Records, sitting in executive session, considered your application on 22 January 2009. The names and votes of the members of the panel will be furnished upon request. 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 on 8 February 2001 at age 30. About a year later, on 15 February 2002, you received nonjudicial punishment (NJP) for forgery. The punishment imposed was a reduction to paygrade E-2.

On 6 August 2002 you were referred for a psychiatric evaluation to determine your fitness for duty. You were diagnosed with an adjustment disorder and a personality disorder with narcissistic personality traits, occupational problems, and a longstanding character and behavior disorder of such severity as to interfere with your serving further active duty. You were found to be unsuitable for further service and recommended for an expeditious administrative separation.

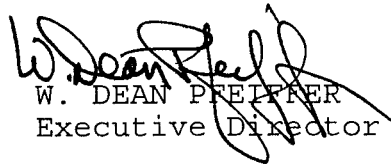
In spite of the foregoing recommendation, on 17 September 2002, you were retained in the Navy. You were then advised of the deficiencies in your performance and the requirements for immediate improvement. You were also warned that failure to

improve your performance could result in an administrative separation. Nonetheless, on 3 December 2002, you were recommended for an administrative separation because there was no improvement in your performance. At that time, you were not recommended for retention. As a result, you were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder. Subsequently, the discharge authority directed an honorable discharge and on 15 December 2002 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your reenlistment code so that you may reenlist, assertion of wrongful separation, and the documents provided in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the severity of your diagnosed personality disorder and the nonrecommendation for reenlistment and/or retention. Accordingly, your application has been denied.

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