



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

SMS
Docket No: 8552-08
20 May 2009

[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 19 May 2009. 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.

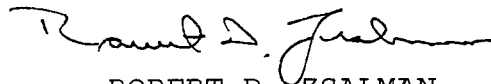
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 30 June 1999, you enlisted in the Navy at age 19. On 19 July 1999, you received a psychiatric evaluation and stated that you had suicidal ideation before and during active duty, and can not tolerate authority. The evaluation found that you abused alcohol and cannabis, and diagnosed you as having a bipolar disorder, oppositional defiant disorder, attention deficit hyperactivity disorder which all existed prior to enlistment. On 21 July 1998, your commanding officer initiated an entry level separation by reason of erroneous entry due to a disqualifying physical or mental condition that existed prior to enlistment. In connection with this processing, you acknowledged the separation action. On 22 July 1998, the separation authority approved the recommendation and directed assignment of an RE-4 reenlistment code. On 27 July 1999, you were discharged with an entry level separation by reason of erroneous entry and assigned an RE-4 reenlistment code.

Regulations authorize assignment of an RE-4 reenlistment code to members who are not recommended for retention or are considered a risk to harm themselves or others if retained. Given your suicidal ideation, and 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,

A handwritten signature in dark ink, appearing to read "Robert D. Zsalmán", written in a cursive style.

ROBERT D. ZSALMAN
Acting Executive Director