



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 459-13/  
346-13  
19 March 2013

[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 19 March 2013. 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.

Your record reflects that on 11 December 2003 you signed pre-enlistment documents in which you answered "NO" to questions regarding being seen by a psychiatrist, psychologist, counselor, or other medical/mental professional. You enlisted in the Navy at age 18, began a period of active duty on 22 July 2004, and served without disciplinary incident.

On 21 June and again on 8 July 2006, during medical evaluations, you revealed that you had omitted information about your pre-service mental treatment in that you had failed to disclose your history of mental health treatment, anger issues, suicidal gestures, psychologist visits, hospitalization for psychiatric purposes, and use of various medications, to include Imipramine, Zoloft, Resperidol, and Trazodone. On 16 July 2006 you were diagnosed with a depressive disorder resulting from sexual and physical abuse, and antisocial and borderline features which existed prior to your enlistment. As a result, you were strongly recommended for an administrative separation. On 14 August 2006

you were notified of administrative separation by reason of defective and fraudulent enlistment due to your failure to disclose pre-service history of mental health treatment. After waiving your procedural rights, your commanding officer recommended a general discharge by reason of fraudulent entry. On 21 August 2006 the discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge by reason of fraudulent entry, and on 11 October 2006 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 youth and desire to change your reenlistment code and presumably the narrative reason for separation so that you may reenlist in the armed forces. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of your failure to disclose your pre-service mental health history. The Board concluded that your failure to disclose this information was sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Finally, the Board suggested that, if you wish, you may apply for a waiver of your RE-4 reenlistment code with branches of the armed forces other than the Navy. 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