



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

ELP
Docket No. 770-99
13 August 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
[REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Mr. Pfeiffer, Ms. Gilbert, and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 11 August 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Prior to his enlistment in the Navy, Petitioner was sent to initial active duty for training in the Army Reserve on 25 May 1995 and received an uncharacterized entry level separation on 16 August 1995 by reason of entry level performance and conduct.

d. Petitioner enlisted in the Navy on 11 July 1996 for four years as an SA (E-2). At that time, he also extended his enlistment for an additional period of 24 months in exchange for training in the advanced electronics training program and advancement to pay grade E-4.

e. The record reflects Petitioner served without incident until 7 January 1997 when he was admitted to a Naval hospital for suicidal ideation. Petitioner reported a two year history of mood swings, intense inappropriate anger and impulsivity. He also stated that his mother and stepfather had announced their divorce two weeks before his completion of recruit training and when he went home on leave, things were far worse than he had anticipated. He also described a four month history of depressed mood with intermittent suicidal ideations. He also reported that he was out hunting with his biological father and began to have strong ideations of shooting himself with his father's hunting rifle. The examining psychiatrist also noted Petitioner admitted to childhood activities including underage drinking, fire setting and torturing animals. He also noted Petitioner had three visits to the mental health clinic prior to admission. Petitioner was diagnosed with an adjustment disorder with mixed emotional features and a borderline personality disorder with antisocial features. The examining psychiatrist opined that due to Petitioner's primitive and severely disturbed character structure as well as the complexity of the issues surrounding his parents divorce, he was considered an ongoing risk for harm to himself. Expeditious separation was recommended.

f. On 23 January 1997, Petitioner was notified that administrative separation was being considered by reason of convenience of the government due to a diagnosed personality disorder. He was advised of his procedural rights and told that discharge, if approved, could be under honorable conditions. He declined to consult with counsel and waived his right to review by the general court-martial convening authority review. Thereafter, the discharge authority directed a general discharge. Petitioner was so discharged on 19 February 1997 and assigned an RE-4 reenlistment code. At that time, his individual trait average was 2.0.

g. Regulations provide that individuals discharged by reason of convenience of the government due to personality disorder receive the type of discharge warranted by the service record. Characterization of service may be based on the

performance evaluation system. An individual is eligible for an honorable characterization of service if, during the current enlistment, the final individual trait average is 2.0 or greater. Regulations also authorize the assignment of an RE-3G or RE-4 reenlistment code to individuals discharged by reason of a personality disorder. An RE-3G reenlistment code means that the individual is eligible for reenlistment except for the disqualifying factor of a personality disorder. An RE-4 reenlistment code means an individual is ineligible to reenlist without prior approval from Commander, Naval Personnel Command.

h. Petitioner contends that the Navy's diagnosis of a personality disorder is incorrect and submits a psychological evaluation from an independent psychologist who asserts that his evaluation did not detect any significant symptoms of a personality disorder. The psychologist states that testing did not indicate any significant symptoms of antisocial personality traits, and opines that any such symptoms in the past were most likely due to his concern over his parent's divorce and his mother's future and safety.

i. An advisory opinion from the National Naval Medical Center Department of Psychiatry recommends no change in the diagnosis of personality disorder. The opinion notes that Petitioner's psychological evaluation was based almost exclusively on "self-administered symptom questionnaires and the MMPI-2 and MCMI-2 personality inventories." The advisory opinion states that the evaluation was lacking in any history of problems prior to the last two weeks of training or any social, family, or developmental history. Further, there was no description or assessment of his current level of functioning with regard to social, occupational, or educational areas. In contrast, the Navy hospital report included significant history supportive of the diagnosis of a personality disorder, including evidence of conduct problems as a child, mood lability and impulsivity prior to service, two school suspensions, job instability, the entry level separation from Army recruit training, suicidal ideation, and poor coping with stress. The opinion states that these features point to a mixed personality disorder with borderline and antisocial traits.

j. After the foregoing advisory opinion was received, a psychotherapist submitted a letter in support of Petitioner's application asserting that she believes that a mood disorder would have been a better diagnosis than a personality disorder. She provides an explanation of the circumstances surrounding

Petitioner's poor relationship with his stepfather; his two school suspensions; and his reported incidents of cruelty to animals, fire setting, underage drinking, and job instability. The psychotherapist also believes Petitioner suffered from attention deficit hyperactivity disorder.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. In this regard, the Board notes he had no disciplinary actions and his overall traits average was satisfactory. Accordingly, the Board believes he should have received a fully honorable discharge, and concludes that it would be proper and just to recharacterize the general discharge to fully honorable.

However, the Board substantially concurs with the advisory opinion that the diagnosis of a personality disorder was proper. The Board notes that the Navy views with concern those individuals who appear suicidal or make suicidal gestures. Such individuals pose a potential threat for harm to themselves and others if retained. The Board is aware that individuals may have family problems and that the additional stresses of military service may contribute to those problems. However, the psychologist and psychotherapist who evaluated Petitioner did not observe him under the stresses of military life, as did the Navy psychiatrist when he evaluated him. Further, there is no way of ensuring that Petitioner will not act in the same manner if he is again faced with the stress of military life. Given the evidence of an earlier entry level separation from the Army, his poor coping skills and suicidal ideation, the Board concludes that assignment of an RE-4 reenlistment code was appropriate and no change is warranted.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge by reason of personality disorder on 19 February 1997 vice the general discharge actually issued on that date. This should include the issuance of a new DD Form 214.

b. That no further relief be granted.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 5 February 1999.

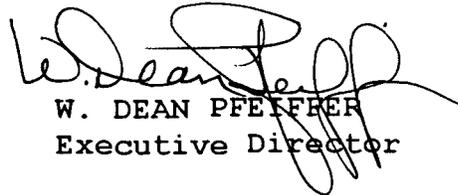
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director