



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

ELP
Docket No. 3359-98
28 July 1999



Dear 

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 21 July 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps Reserve on 17 May 1994 for 8 years. You were ordered to initial active duty for training on 18 July 1994.

Recruit evaluation progress reports state that on 5 August 1994 you were advised that your motivation and desire had dropped to an abysmal level. You did not perform well in any area and your knowledge of general military subjects was substandard. The following day, it was further noted that you did not appear to put out any real effort and had no desire to be in recruit training or become a Marine. You continually stated that you did not want to be there. It was recommended that you be recycled.

During the period from 13 to 24 August 1994, you continued to perform poorly, tired easily and refused to push yourself. On 25 August 1994, it was noted that you seemed to be looking for any possible way out of the Marine Corps Reserve, and failing on

the rifle range was your avenue of escape. Thereafter, you were formally counseled that you were being dropped from your platoon due to the third failure to qualify with the rifle. You were advised that you could be discharged if you did not qualify.

On 31 August 1994 you were referred to the mental health unit for evaluation because you told the company commander that you were going to hurt yourself. You complained that you could not handle being told what to do by the drill instructors and being punished when you did not do something fast enough. You were diagnosed as having an adjustment disorder with depressed and avoidant traits. An entry level separation was recommended.

On 7 September 1994 you were counseled on your failure to adapt to the Marine Corps environment. The counseling officer stated that you were one of the laziest recruits to come to recruit training and cited extreme immaturity, a lack of discipline, physical weakness, a constant run and rope climb failure, and deliberate failure on the rifle range. He concurred with the mental health unit's recommendation for separation.

On 9 September 1994 you were notified that an entry level separation was being recommended by reason of entry level performance and conduct due to failure to adapt to the Marine Corps environment. You were advised of your procedural rights, declined to consult with counsel or submit a statement in your own behalf, and waived your procedural rights. You were informed that you were not recommended for reenlistment and that an RE-3F reenlistment code would be assigned due to entry level performance and conduct. The discharge authority approved the recommendation and you received an uncharacterized entry level separation on 13 September 1994 and were assigned an RE-3F reenlistment code.

The Board noted your request for removal of any evidence of a mental condition from your record. The Board further noted the psychological evaluation you provided from a private psychologist who states that you have no mental disorder which would preclude you from doing well in a job that is highly structured and requires little extroversion. Based on that evaluation, it appeared to the Board there was no basis or excuse for not completing recruit training or your enlistment. While you were diagnosed as having an adjustment disorder, the record clearly indicates it was your lack of effort and deliberate failure on the rifle range that led to your being discharged. The Board finds no reason to remove the Navy's diagnosis of an adjustment disorder from your record. Further, the psychological evaluation upon which you rely does render the Navy's diagnosis invalid or erroneous.

Regulations authorize the assignment of an RE-3F or RE-4 reenlistment code to individuals who are separated for entry level performance and conduct. An RE-3F code means that the individual did not complete recruit training. Recruiting officials of any branch of service may be permitted to waive this code if they are convinced that the problems which led to your discharge no longer exist. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval of the Commandant of the Marine Corps. Since you received the most favorable reenlistment code authorized by regulations, the Board could find no error or injustice in your assigned reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You are advised that that personal appearance hearings are rarely granted by the Board and only when, in executive session, it determines it cannot resolve an issue without the individual's presence, or the individual's appearance would serve some useful purpose. Your presence was not required for the Board to make a decision.

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