



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2954-99

22 September 1999



Dear [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 14 September 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 Naval Reserve on 15 October 1993 and reported for active duty on 10 January 1994. On 11 May 1994 you were diagnosed as having an adjustment disorder with depressed mood. The psychologist believed that if retained, you would be an unacceptable medical and administrative burden with little likelihood of making a significant future contribution to the Navy. During the evaluation, you told the psychologist that you desired immediate separation because you were lied to about your choice of school.

Based on the foregoing evaluation, you were processed for separation due to unsatisfactory performance. In connection with this processing, you elected to waive your procedural rights. After review, the commanding officer directed an entry level separation by reason of entry level performance and conduct. You were so separated on 3 June 1994. At that time you acknowledged that you were not recommended for reenlistment and would be assigned an RE-4 reenlistment code.

You contend in your application that you only wanted to be discharged because you were harassed and assaulted at your first duty station and your requests for help were rejected by your

superiors. You have also submitted evidence showing that you have been a good citizen since your separation from the Navy.

In reaching its decision, the Board noted that there is no evidence in the record, and you have submitted none, to show that you were harassed or assaulted. The record shows that you did not mention such a scenario when you were evaluated by the psychologist, but only stated that you wanted to be discharged because you were lied to about schools. The Board concluded that you were properly separated by reason of entry level performance and conduct.

Regulations require the assignment of an RE-4 reenlistment code when the reason for separation is entry level performance and conduct. Since you have been treated no differently than others separated for that reason, 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,

W. DEAN PFEIFFER
Executive Director