



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

TRG
Docket No: 5577-98
7 May 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 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 filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Zsalman, Mr. Milner and Ms. Nofziger, reviewed Petitioner's allegations of error and injustice on 18 May 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. Petitioner enlisted in the Navy on 2 July 1996 at age 22. In September 1996 he was referred by the Recruit Evaluation Unit (REU) for a psychiatric evaluation. The subsequent psychiatric evaluation states, in part, as follows:

... (He) has been a exemplary recruit with outstanding performance who served as his Division MAA. (He) reported to this examiner with barely audible responses and revealed some facts which seem to explain his mood or behavior. (He) also revealed some facts which seem to explain his apparent pathology. He also revealed serious thoughts of suicide and actually cut his hand

with a scissors this morning and showed his hand to this examiner ...

... (He) also reported some antisocial behavior but was very vague and unwilling to elaborate. He denied convictions or incarcerations. (He) described approximately 10 jobs with chronic problems with bosses and co-workers. He also reported anger problems and chronic unhappiness. (He) reported to this examiner an ongoing history of depressed mood and associated symptoms of depression to include serious suicidal ideations, fatigue, low self-esteem, concentration problems, a defeated attitude, and poor coping with the demands of daily living. ... (He) presents a continuing danger to self or others should expeditious separation not take place due to further risk of self harm. ... He realized he has become unable to cope after almost completing RTC training.

The psychologist made a diagnosis of early onset dysthymic disorder and recommended an entry level separation.

d. On 9 September 1996 Petitioner was notified of separation processing due to erroneous enlistment. In connection with processing he elected to waive his procedural rights. On 11 September 1996 the separation authority directed an entry level separation. He was so separated on 16 September 1996. The narrative reason for separation was entered as "personality disorder" on the DD Form 214. At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. The Board is aware that Dysthymic Disorder is not listed in the Diagnostic and Statistical Manual of Mental Disorders as a personality disorder, but is a separate category of disorder.

f. The Board is also aware that when discharge is warranted but the reason for discharge is erroneous, the narrative reason for separation is normally changed to the nonstigmatizing "Best Interest of the Service" or "Secretarial Authority."

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner's documented difficulties in recruit training, and the diagnosed dysthymic disorder during his enlistment. Since his condition would severely impact on his ability to complete recruit training and

subsequent service, the Board concludes that separation from the Navy was warranted. However, the Board also finds that he does not have a diagnosed personality disorder and separation for that reason is erroneous. Accordingly, the Board concludes that the narrative reason for separation should be changed to best interest of the service or secretarial authority.

The Board is aware that most individuals who fail to complete Navy recruit training are assigned an RE-4 reenlistment code. The Board also believes the nature of Petitioner's condition makes the assignment of an RE-4 reenlistment code appropriate. Accordingly the Board concludes that the reenlistment code should not be changed.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation is Secretarial Authority vice the narrative reason for separation now of record.


b. That Petitioner's request for a change in his reenlistment code be denied.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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.

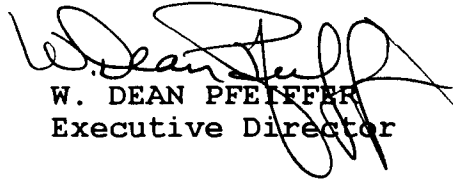
ROBERT D. ZSALMAN
Recorder



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