



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5581-98

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. Dunn, Mr. Pfeiffer, and Mr. Mathews, reviewed Petitioner's allegations of error and injustice on 4 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 25 February 1998 at age 22. About five days later he was seen at the Recruit Evaluation Unit. At that time he admitted to a preservice history of treatment for Attention Deficit/Hyperactivity Disorder (ADHD). The subsequent psychiatric evaluation states, in part, as follows:

... (He) described an extensive history of distractibility in school, and difficulty remaining quiet or staying still. He stated that he had trouble paying attention to teachers, and as a result did poorly on tests. He often did things "on the spur of the moment" and was always told to be quiet. (He) took Ritalin for approximately three months, when in June of

1997 he began taking Prozac. He last took Prozac in October of 1997.

The psychologist concluded that the psychological assessment, interview data and history supported a diagnosis of Attention Deficit/Hyperactivity Disorder, Not Otherwise Specified and recommended an entry level separation.

d. On 5 March 1998 Petitioner was notified of separation processing due to erroneous enlistment. In connection with processing he elected to waive his procedural rights. On 5 March 1998 the separation authority directed an entry level separation. He was so separated on 18 July 1995. 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 Attention Deficit/Hyperactivity 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 undisclosed preservice treatment, and the diagnosed attention deficit/hyperactive disorder prior to and 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 failed to complete Navy recruit training are assigned an RE-4 reenlistment code. The Board 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.

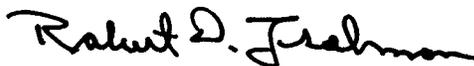
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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