



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 3638-99

28 September 1999

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

Subj: REVIEW OF NAVAL RECORD OF [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, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected by changing the RE-4 reenlistment code assigned on 26 August 1993.

2. The Board, consisting of Ms. Nofziger, Mr. Pfeiffer, and Ms. Hardbower, reviewed Petitioner's allegations of error and injustice on 22 September 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. Although it appears that enclosure (1) was not filed in timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 16 April 1992 at age 19. At that time he had completed 12 years of formal education.

d. On 3 August 1993 a psychiatric evaluation found that Petitioner had a personality disorder and that he was a risk to himself and others.

e. On 17 August 1993 the commanding officer recommended that

Petitioner be separated with a general discharge by reason of a personality disorder. After review by the discharge authority, Petitioner received a general discharge by reason of convenience of the government due to a diagnosed personality disorder. At that time Petitioner was assigned a reenlistment code of RE-4.

f. Character of service is based, in part, on one's conduct and overall traits averages, both of which are computed from marks assigned during periodic evaluations. Petitioner's conduct and overall traits averages were 3.1 and 2.8, respectively. The minimum average marks required for a fully honorable characterization of service at the time of Petitioner's separation were 3.0 in conduct and 2.8 in overall traits.

g. Applicable directives authorize the assignment of either an RE-3G or RE-4 reenlistment code to an individual discharged due to a physical or mental condition such as a diagnosed personality disorder.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. In this regard, the Board concludes that his general discharge should be recharacterized to honorable based on the member's conduct and overall traits averages and since he had no disciplinary actions during his period of service.

Although Petitioner has requested that his reenlistment code be changed, the Board notes that the RE-4 reenlistment code is authorized by regulatory guidance for individuals discharged due to diagnosed personality disorders. The Board concludes that since Petitioner was a risk to himself and others, there is no error or injustice in his reenlistment code. Therefore, the Board concludes that Petitioner's request for a change in his reenlistment code be denied.

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 convenience of the government due to a personality disorder on 26 August 1993 vice the general discharge actually issued on that date.

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 Veterans Administration be informed that Petitioner's application was received by the Board on 3 June 1999.

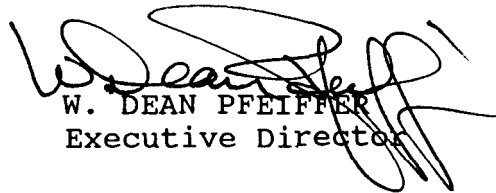
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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