



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

ELP
Docket No. 4473-01
19 October 2001

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 Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Swarens, Leeman, and McCulloch reviewed Petitioner's allegations of error and injustice on 17 October 2001 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. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 8 November 1999 for four years at age 19. The record reflects that on 24 November 1999 he was referred to the recruit mental health unit for evaluation. Petitioner reported that prior to enlistment, he had been in counseling for family issues and a breakup with his

girlfriend. He claimed that he was diagnosed as being manic depressive, but consultation with the civilian provider indicated an adjustment problem with a possible affective disorder. The examining psychologist stated that Petitioner manifested a variety of maladaptive personality traits, features and characteristics which indicated poor adaptation to military life. He opined that Petitioner would likely be a risk for behavioral acting out and would be a cause for concern due to his poor coping skills. Petitioner was diagnosed with an unspecified personality disorder with narcissistic, schizotypal and borderline features. Entry level separation was recommended.

d. On 30 November 1999 Petitioner was notified that administrative separation processing was being initiated by reason of convenience of the government due to a diagnosed personality disorder. He was advised of his procedural rights, declined to consult with legal counsel or submit a statement in his behalf, and waived the right to have his case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment. Petitioner was so discharged on 7 December 1999 and assigned an RE-4 reenlistment code.

e. Regulations authorize the assignment of an RE-3E or an RE-4 reenlistment code to individuals separated by reason of erroneous entry. An RE-3E reenlistment code means that the individual is eligible for reenlistment except for the disqualifying factor which led to the discharge. This code may be waived by recruiting officials if they can be convinced that the diagnosis was erroneous or the problem no longer exists. An RE-4 reenlistment code means that the individual is ineligible for reenlistment without prior approval from Commander, Navy Personnel Command.

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 youth and immaturity and that he had no performance or discipline problems during his short period of service. Since there was no evidence that he posed a risk for harm to himself or others, the Board believes that the most restrictive RE-4 reenlistment code is unduly harsh and he should not be restricted from further

service if the effects of the personality disorder which led to his separation have abated, or the disorder no longer exists. According, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-3E.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 7 December 1999, to RE-3E.

b. That a copy of the Report of Proceedings be filed in 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.



for W. DEAN PFEIFFER
Executive Director