



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

JRE
Docket No: 6464-00
5 February 2001

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was assigned a reenlistment (RE) code more favorable than the RE-4 he received on 6 April 2000.
2. The Board, consisting of Messrs. Pfeiffer, Kastner and Lippolis, reviewed Petitioner's allegations of error and injustice on 1 February 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. Enclosure (1) was filed in a timely manner.
 - c. Petitioner enlisted in the Navy on 18 January 2000. On 29 March 2000, he was diagnosed as a sleepwalker, and he was discharged on 6 April 2000 for failing to meet medical/procurement fitness standards based on the sleepwalking. He received an RE code of RE-4.
 - d. SECNAVINST 1900.8 provides, in effect, that Sailors discharged for failing to meet procurement medical/physical standards will be assigned an RE-4. Those discharged because of a condition, not a disability, interfering with duty, will be assigned an RE-4 or RE-3G, in the discretion of the commanding officer. Among the conditions warranting discharge on the

latter basis are personality disorders, sleepwalking, enuresis and allergy to uniform materials.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner should have been discharged because of a condition, not a disability, interfering with his performance of duty, because of his sleepwalking. As there is no evidence that he had any performance problems or disciplinary infractions during his brief period of service, the Board concludes that his record does not warrant the assignment of the stigmatizing code of RE-4.

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 on 6 April 2000, he was discharged by reason of a condition, not a disability, interfering with the performance of duty-sleepwalking, and assigned a reenlistment code of RE-3G in lieu of the code of RE-4 actually assigned on that date.


b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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


JAMES R. EXNICIOS
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