



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

TJR
Docket No: 9100-02
15 August 2003

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 with 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, filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 August 2003 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 enclosure (1) was not filed in a 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 25 January 1993 at age 17 and served without disciplinary incident.

d. During the period from July to August 1993, Petitioner was observed, on three different occasions, sleepwalking.

e. On 20 September 1993, following a psychiatric examination, Petitioner was diagnosed as having a sleepwalking disorder, specifically, somnambulism. The psychiatrist stated

that this condition existed prior to Petitioner's enlistment. At that time Petitioner was also found to be unfit for continued service and was recommended for an administrative separation.

f. On 3 November 1993 Petitioner was notified that administrative separation action had been initiated by reason of convenience of the government due to a diagnosed personality disorder as evidenced by somnambulism/sleepwalking. On 4 November 1993 Petitioner's commanding officer recommendation separation by reason of convenience of the government. This recommendation further stated as follows:

Recommend administrative separation by reason of convenience of the government due to the diagnosed personality disorder as evidenced by Member's sleepwalking. Member not fit for continued service.... (condition is) considered to present a continuing risk of harm to himself.... (sleepwalking) problem has been one of a personality disorder, not misconduct.

g. Subsequently, the discharge authority directed an honorable discharge by reason of convenience of the government due to the somnambulism. However, on 10 November 1993, Petitioner was honorably separated by reason of convenience of the government due to a personality disorder and assigned an RE-4 reenlistment code.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action.

The Board notes that Petitioner was incorrectly processed for separation by reason of a personality disorder when, in fact, he was diagnosed as having a sleepwalking disorder, specifically, somnambulism. Because of this error, the narrative reason for separation of "personality disorder" was incorrectly entered on Petitioner's Certificate of Release from Active Duty or Discharge (DD Form 214). Since Petitioner should have been processed as a result of the diagnosed sleepwalking disorder, the DD Form 214 should be corrected to reflect that he received an honorable discharge by reason of convenience of the government with a narrative reason for separation "condition not a disability," specifically the diagnosed somnambulism.

The Board also notes that an RE-4 reenlistment code is authorized by regulatory guidance for an individual who is separated due to somnambulism, but concludes that Petitioner's overall satisfactory record was sufficient to support the assignment of an RE-3G reenlistment code, which is also authorized by regulatory guidance. An RE-3G reenlistment code may be assigned when an individual is separated due to other physical/mental condition such as somnambulism which is not a disability but interferes with the individual's performance of duty.

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 discharged on 10 November 1993 with a narrative reason for separation of "condition not a disability" vice the "personality disorder."

b. That the record be further corrected to show that on 10 November 1993 he was assigned an RE-3G reenlistment code vice the RE-4 reenlistment code assigned on that same date.

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 a copy of this Report of Proceedings, for retention in a confidential file maintained for such purposes, with no cross references 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 Regulation, 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