



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

CRS
Docket No: 3923-07
6 August 2008

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552
(b) SECNAVINST 1910.4B

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

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting his naval record be corrected by changing the reason for discharge and the reentry code he was assigned on 14 January 2002.

2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 July 2008 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. Petitioner enlisted in the Marine Corps on 12 March 2001. On 22 August 2001 a psychiatric evaluation diagnosed Petitioner with an adjustment disorder with a depressed mood. On 14 January 2002 he received a general discharge by reason of personality disorder and was assigned a reentry code of RE-4B.

b. An advisory opinion from Headquarters Marine Corps, dated 1 May 2008, opined that the reason for discharge was correct. A second advisory opinion from Headquarters Marine Corps, dated 8 May 2008, advised that Petitioner's RE-4B reentry code had been changed to RE-4.

c. Reference (b) states that a personality disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), must be diagnosed in order to support a separation by reason of personality disorder. The DSM

IV does not list an adjustment disorder as a personality disorder.

d. Reference (b) also states that an individual may be separated by reason of best interest of the service if separation is appropriate but no other reason set forth in the reference covers the situation at hand. Individuals separated for this reason may receive a reentry code of RE-R1, RE-1, or RE-4.

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's record contains no evidence that he was diagnosed with a personality disorder in addition to an adjustment disorder. Therefore, the Board concludes that the reason should be changed to "best interest of the service", a non-stigmatizing basis for separation which is assigned when no other reason is appropriate.

Although Petitioner requested that his reentry code be changed from RE-4B, the Board notes that an RE-4 reentry code is authorized by regulatory guidance for those discharged by reason of best interest of the service. Given Petitioner's present adjustment disorder, the Board concurs with the advisory opinion from HQMC and concludes that his present reentry code is not erroneous or unjust.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he received a general discharge by reason of best interest of the service on 14 January 2002.
- b. That no further relief be granted.
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


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