



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

CRS

Docket No: 5963-07
8 May 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

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting that her naval record be corrected by changing the RE-4 reentry code assigned on 12 August 2005.

2. The Board, consisting of Messrs. [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 May 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.

b. Petitioner enlisted in the Navy on 21 June 2005. A medical evaluation on 8 July 2005 found that she had asthma.

c. On 1 August 2005 Petitioner's commanding officer recommended separation. On 12 August 2005 she received an entry level separation by reason of her failure to meet medical/physical procurement standards. She was assigned an RE-4 reentry code.

d. Applicable directives state that only an RE-4 reentry code can be assigned for failure to meet medical/physical procurement standards. An individual may be separated due to erroneous enlistment if the enlistment would not have occurred if the relevant facts had been known. Applicable directives authorize the assignment of either an RE-3E or RE-4 reentry code to an individual separated for erroneous enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that the reason for discharge should be changed to erroneous enlistment since Petitioner was unaware of her condition. Accordingly, the Board recommends that Petitioner's reason for separation be changed to erroneous enlistment vice the reason for separation now of record.

The Board also concludes that an RE-3E reentry code should be assigned since there is no evidence that Petitioner had any performance or disciplinary infractions during her brief period of service and her record does not otherwise support the more stigmatizing code of RE-4.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 12 August 2005 she received an entry level separation by reason of erroneous enlistment and an RE-3E reentry code, vice the reason for separation and reentry code actually assigned on that date.

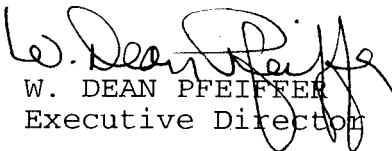
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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


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