



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

SMW
Docket No: 6943-07
12 May 2008

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED]

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

Encl: (1) Case Summary
(2) 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 to change the reason for separation "Fraudulent Entry Into Military Service" and RE-4 reenlistment code that was issued on 9 July 2007.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [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's application was filed in a timely manner.

c. On 16 February 2007, Petitioner completed enlistment processing documents that included a security clearance form, physical examination, and psychiatric evaluation. A history of counseling on the security clearance form was not noted. However, her history of counseling was documented during her physical examination, which resulted in the psychiatric

evaluation that concluded that her prognosis was good. In addition, on 20 February 2007, she provided a letter from her civilian counseling service to the military enlistment processing station, which verified that she did receive counseling for depression as a teenager due to estrangement from her father.

d. On 30 May 2007, Petitioner enlisted in the Navy at age 18. On 19 June 2007, she received a psychiatric evaluation after two incidents of enuresis. The evaluation noted that she received counseling for depression about five years before enlistment, diagnosed her as having a depressive disorder, and recommended an entry level separation.

e. On 27 June 2007, Petitioner's commanding officer initiated an entry level separation by reason of erroneous enlistment and fraudulent entry. In connection with this processing, she acknowledged the separation action. On 2 July 2007, the separation authority approved the separation recommendation and directed an entry level separation by reason of fraudulent entry. On 9 July 2007, she was so discharged and assigned an RE-4 reenlistment code.

f. Petitioner states that the reason for discharge is incorrect because she disclosed her mental health history during the enlistment processing. With her application, she provided a copy of her enlistment physical examination and subsequent psychiatric evaluation that documented her history of counseling that was completed on the same date as her security questionnaire. She also provided a copy of a letter from her civilian counselor that was provided to the military enlistment processing station before her enlistment was finalized.

g. Regulations authorize discharge of members by reason of fraudulent entry for effecting a fraudulent enlistment by falsely representing or deliberately concealing any disqualifications. Regulations direct assignment of an RE-4 reenlistment code for such cases.

h. Regulations authorize discharge of members by reason of erroneous enlistment who are found to have a disqualifying factor after enlistment. Regulations authorize assignment of an RE-3E reenlistment code for such cases.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, the Board finds that Petitioner disclosed her history of counseling during the enlistment processing as evidenced by her physical examination and subsequent psychiatric evaluation that was completed at the military enlistment processing station. In addition, a letter from her civilian counselor was provided to the military enlistment processing station four days after her physical examination. The record shows that the security questionnaire was completed on the same date as her enlistment physical examination, but was not changed to note her history of counseling. As such, the Board does not believe that she intentionally withheld information during the enlistment process. Therefore, the Board concludes that her reason for discharge should be changed to erroneous enlistment and her reenlistment code should be changed to an RE-3E.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was discharged by reason of erroneous enlistment on 9 July 2007, vice by reason of fraudulent entry.

b. That Petitioner's naval record be further corrected to show that she was assigned an RE-3E reenlistment code on 9 July 2007, vice the RE-4 actually assigned on that date.

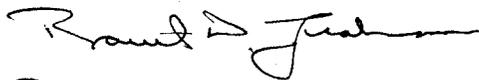
c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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


BRIAN J. GEORGE
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.



for W. DEAN PFEIFFER
Executive Director