



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

SMS  
Docket No: 1255-08  
12 September 2008

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) 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 RE-4 reenlistment code that he received when he was separated with a general discharge on 15 September 2006.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 10 September 2008, and pursuant to its regulations, determined that the partial 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. On 18 November 2003, Petitioner enlisted in the Navy at age 33 and subsequently served on board a nuclear powered submarine as an auxiliary equipment technician. On 10 May 2006, he received a psychiatric evaluation after he voluntarily requested it for possible Attention Deficit Hyperactivity Disorder. The evaluation diagnosed him as having a personality disorder not otherwise specified characterized by

mixed anxiety, depressed mood, decreased energy, poor concentration and suicidal ideation. The evaluation concluded by recommending administrative separation due to the diagnosed personality disorder. On 18 May 2006, he was counseled regarding the personality disorder. On that same day he was charged with failure to present identification and heed the order of a guard when entering a naval base. On 22 May 2006, he had nonjudicial punishment (NJP) for failure to obey a lawful order.

c. On 11 August 2006, Petitioner's commanding officer initiated administrative separation by reason of convenience of the government due to a condition not a physical disability and misconduct due to commission of a serious offense. In connection with this processing, he acknowledged that separation could result in a general discharge and submitted a statement in which he stated in essence that he completed 34 months of positive service, gave his best and requested an honorable characterization of service. On 18 August 2006, the separation authority approved the discharge recommendation and directed a general discharge by reason of convenience of the government due to a condition not a physical disability. On 15 September 2006, he was so discharged and assigned an RE-4 reenlistment code. At that time, his awards included the Global War on Terrorism Defense Medal, Ballistic Missile Submarine (SSBN) Deterrent Patrol Insignia, Enlisted Submarine Warfare Specialist Breast Insignia, and National Defense Service Medal. Based on the information currently contained in the record, it appears that no evaluation marks or performance evaluations were submitted for inclusion in the naval record.

d. In his application, Petitioner states that he would like to change the RE-4 reenlistment code to allow him to reenlist in another branch of the armed forces.

e. Regulations authorize assignment of an RE-4 reenlistment code to service members who are discharged due to a condition not a physical disability and are considered a potential threat to harm themselves or others if retained.

f. Regulations state that service members discharged by reason of convenience of the government receive an honorable characterization of service when their service generally meets the standard of acceptable conduct and performance or is otherwise so meritorious that any other characterization of service would be clearly inappropriate. Regulations further state that service members discharged by reason of convenience of the government receive a general discharge when significant

negative aspects of conduct or performance of duty outweighs the positive aspects of a member's overall service record.

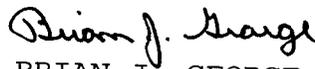
CONCLUSION:

Upon review and consideration of all evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, the Board believes that his discharge was in accordance with regulations and given his suicidal ideation, the Board finds that the RE-4 reenlistment code was properly assigned. However, regarding the general characterization of service, the Board considers his overall service record that includes more than 30 months of good service, awards, sea service, and attaining the pay grade of E-4 in a technical field. Furthermore, the Board considers his diagnosis of having a personality disorder and notes that he had an NJP about two weeks later, and with the exception of the NJP, he served without incident. Furthermore, the Board considers his statement that he submitted with the administrative separation recommendation. Therefore, as a matter of clemency, the Board concludes that his separation should be changed to an honorable discharge.

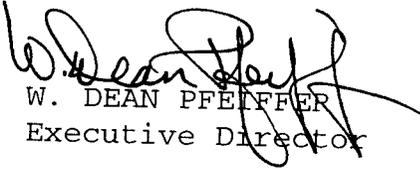
RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he received an honorable discharge on 15 September 2006, vice the general discharge actually issued on that date.
- b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.
- c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 5 February 2008.
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.

  
W. DEAN PFEIFFER  
Executive Director