



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

JRE
Docket No. 03052-08
3 November 2008

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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

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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was discharged for a reason other than a personality disorder, he be assigned a more favorable reentry code, and that references to asthma, panic disorder with agoraphobia, suicidal thoughts, loss of appetite, and anger issues be removed from his record.

2. The Board, consisting of Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 October 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. Petitioner enlisted in the Navy on 20 April 1995. On 25 April 1995, medical authorities determined that he had a history suggestive of asthma, and that there was clinical and objective evidence of that condition. On 2 May 1995, he was given a

diagnosis of panic disorder with agoraphobia, and recommended for entry level separation because of that diagnosis. He was not given a diagnosis of a personality disorder. He was discharged with an entry level separation on 12 May 1995, by reason of a personality disorder, and assigned a reentry code of RE-4.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner has failed to submit sufficient relevant evidence to demonstrate that the references in his naval record to panic disorder with agoraphobia, suicidal thoughts, anger issue, and loss of appetite are erroneous, or that it would be in the interest of justice to remove those references from his naval record.

The Board concludes further that while it would have been appropriate to have discharged Petitioner because of his panic disorder with agoraphobia, as recommended by medical authorities, he was erroneously discharged by reason of a personality disorder, a condition he did not have. Accordingly, the Board concludes that it would be in the interest of justice to change the basis for separation to the best interest of the service, remove all references to a personality disorder from his record, and, as exception to policy, to assign him a reentry code of RE-3E.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was separated from the Navy on 23 May 2007 by reason of best interest of the service, vice personality disorder, and assigned a reentry code of RE-3E, vice RE-4, as an exception to policy.

b. That so much of Petitioner's request for correction of his naval record as exceeds the foregoing be denied.

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

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the

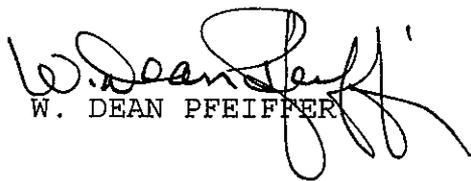
foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. EKNICIOS
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