



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

Docket No: 6036-08
29 September 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 his naval record be corrected by changing the reentry code he was assigned on 14 February 1994. He also requests that his characterization of service and reason for discharge be changed.

2. The Board, consisting of Messrs. [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 August 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 Navy on 16 June 1992. A psychiatric evaluation conducted on 10 January 1994 diagnosed him as having a personality disorder. On 11 January 1994 he received nonjudicial punishment for being disrespectful in language and in deportment toward a petty officer. On 27 January 1994 his commanding officer recommended that he be separated with a general discharge by reason of misconduct due to the commission of a serious offense and a personality disorder. On 14 February 1994 he received a general discharge by reason of misconduct and was assigned a reentry code of RE-4.

b. A service member may be discharged for the best interest of the service if no other appropriate reason for separation exists. A member discharged for the best interest of the service may receive an honorable discharge.

CONCLUSION:

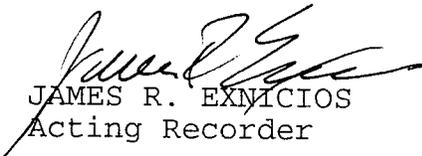
Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes that Petitioner's record contains only one nonjudicial punishment for offenses that did not warrant discharge by reason of misconduct. Accordingly, the Board concludes that his record should be corrected to show that on 14 February 1994 he was issued an honorable discharge by reason of best interest of the service.

Applicable regulations permit the assignment of an RE-4 reentry code when an individual is discharged for the best interest of the service. As the separation authority determined that he lacked potential for further productive service, a reentry code of RE-4 was properly assigned in his case.

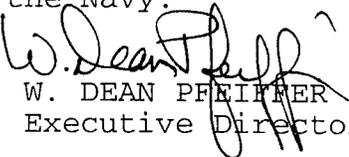
RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 14 February 1994, he received an honorable discharge by reason of best interest of the service.
- b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.
- c. 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