



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

TJR  
Docket No: 8609-08  
7 August 2009

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting a change of his narrative reason for separation and reenlistment code, and that his record reflect that he was advanced to the next higher grade.

2. The Board, consisting of Ms. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 August 2009 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. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 19 April 1991 at age 19 and began a period of active duty on 24 April 1991. On 10 July 1991 his commanding officer was given authorization to promote him to private first class (paygrade E-2). However, the record does not reflect that he was advanced to paygrade E-2.

d. Petitioner served without disciplinary incident until 12 September 1991, when he received nonjudicial punishment for an 11 day period of unauthorized absence (UA).

e. On 7 October 1991, after undergoing a psychiatric evaluation, Petitioner was diagnosed with an adjustment disorder with a depressed mood and a severe personality disorder with dependent and avoidant features, both of which existed prior to his enlistment. He was strongly recommended for an expeditious administrative separation. The psychiatric report stated, in part, that any delay in separation would have provoked further self-harm and possibly led to suicide.

f. On 11 October 1991 Petitioner was notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder. His commanding officer recommended that he be issued a general discharge by reason of convenience of the government. The discharge authority approved this recommendation and on 31 October 1991, while serving in paygrade E-1, Petitioner received a general discharge by reason of convenience of the government and was assigned an RE-3C reenlistment code.

g. On 31 October 2008 Petitioner's record was corrected to reflect that he was assigned an RE-3P reenlistment code because he did not meet the qualifications for reenlistment due to his physical/medical standards as evidenced by the diagnosed personality disorder.

h. At the time of Petitioner's discharge his conduct and proficiency averages were 4.2 and 4.1, respectively. Character of service is based on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Petitioner's conduct average of 4.2 was more than high enough to warrant a fully honorable characterization of service.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action.

The Board initially notes Petitioner's disciplinary infractions and does not condone his misconduct. However, the Board's decision is based on Petitioner's overall satisfactory service as shown by his conduct and proficiency averages. The Board especially notes that his conduct and proficiency averages

exceeded the requirements for a fully honorable characterization of service. Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been less than fully honorable, and as such recharacterization to a fully honorable discharge is appropriate.

The Board also concludes that, although the record reflects that authorization was granted to the command for promotion to the next higher grade; Petitioner's commanding officer did not direct such action be taken. In this regard, Petitioner was not promoted to private first class (paygrade E-2) and authorization of the promotion does not mean that the commanding officer had to promote him. Based on the foregoing, Petitioner's request to be advanced to the next higher grade is not warranted.

The Board further concludes that Petitioner was diagnosed with a severe personality disorder and properly processed for separation due to the diagnosis. In this regard, he was erroneously assigned an RE-3C reenlistment code which was subsequently administratively corrected to RE-3P in accordance with the regulations governing the assignment of reenlistment codes for Marines who do not meet physical/mental standards for reenlistment. As such, Petitioner's request to further change his reenlistment code is not warranted.

In view of the foregoing, the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge on 31 October 1991 vice the general discharge actually issued on that day.

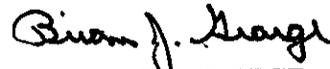
b. That no further relief be granted.

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

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 5 September 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