



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

TJR
Docket No: 10921-08
20 October 2009

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

Subj: REVIEW NAVAL RECORD [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 United States Navy, filed enclosure (1) with this Board requesting that his narrative reason for discharge and reenlistment code be changed.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 October 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 30 October 2000 at the age of 18 and served without disciplinary incident.

d. On 13 January and 16 May 2006, after undergoing medical examinations, Petitioner was diagnosed with a major depressive disorder with psychotic features.

e. Subsequently, Petitioner was notified that administrative separation had been initiated due to his diagnosed physical/mental condition as evidenced by his depressive disorder. In this regard, Petitioner's commanding officer recommended that he be honorably discharged by reason of convenience of the government due to a condition that was not a physical disability. The discharge authority approved this recommendation and Petitioner was so discharged on 19 July 2006 and assigned an RE-4 reenlistment code.

f. An RE-3G reenlistment code may be assigned to Sailors separated due to a depressive disorder. This code may not bar reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver is feasible. A Sailor separated for this reason may also receive an RE-4 reenlistment code, which means that the individual is not recommended for reenlistment.

CONCLUSION:

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

The Board notes that Petitioner served satisfactorily and without disciplinary infractions, and that an RE-3G reenlistment code is authorized by regulatory guidance for a Sailor who is separated due to a depressive disorder. Accordingly, the Board believes that an RE-3G is the most appropriate reenlistment code for Petitioner's situation. Nonetheless, the Board concludes that Petitioner's narrative reason for discharge was proper due to his diagnosed depressive disorder and also sufficient to support the assignment of an RE-3G reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned an RE-3G reenlistment code on 19 July 2006 vice the RE-4 reenlistment code actually assigned on that date.

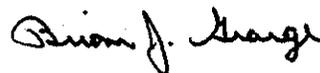
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purposes, with no cross references being made a part of Petitioner's naval record.

d. 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



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