



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

JRE
Docket No. 08049-09
21 June 2010

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 w/attachments
(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 by reason of physical disability and assigned a reentry code of RE-1.

2. The Board, consisting of Messrs. [REDACTED], W. [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 17 June, 2010 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 served on active duty in the Navy from 17 July 2008 to 18 February 2009, when he was discharged by reason of erroneous entry and assigned a reentry code of RE-4. The discharge was based on the determination of Navy medical authorities, based on accepted medical principles, that he suffered from an undiagnosed, disqualifying medical condition prior to enlisting.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner failed to submit sufficient evidence to demonstrate that he was unfit for duty by reason of physical disability that was incurred in or aggravated by his naval service. Accordingly, there is no basis for correcting his record to show that he was separated or retired by reason of physical disability with entitlement to disability benefits administered by the Department of the Navy.

The Board concludes further that it would be in the interest of justice to correct Petitioner's record to show that he received a reentry code of RE-3E, a code that may be waived and does not preclude his reentry into the Armed Forces.

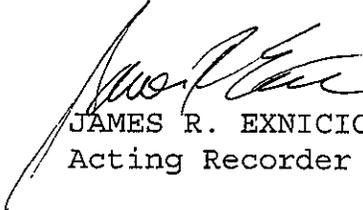
In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he received a reentry code of RE-3E on 18 February 2009 in lieu of the code of RE-4 he actually received on that date.
- b. That no further relief be granted.
- 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. 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