



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

SJN  
Docket No: 08843-10  
2 September 2010

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

Subj: REVIEW OF 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 lance corporal of the Marine Corps Reserve, filed enclosure (1) with this Board requesting the narrative reason ("Personality Disorder"), JFX1 separation code, and RE-4 reenlistment code be changed. Additionally, he is requesting that his paygrade be changed from E-3 to E-4.

2. The Board, consisting of Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 31 August 2010 and, pursuant to its regulations, determined that the limited 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, advisory opinions, 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 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 Reserve and began a period of active duty on 5 January 2004. Beginning in October 2004, he had been seen for Attention Deficit Hyperactivity Disorder (ADHD). At that time, his symptoms had been controlled by the use of Adderall. His disorder did not constitute a disability, and it was recommended that he should continue taking

his medication. Further, he was found not to be a risk of harm to himself or others, neither suicidal nor homicidal, and found not to be mentally ill. However, he did manifest a long-standing brain disorder of inattention that rendered him unsuitable for continued service. He was found fit to return to duty for processing for administrative separation. Subsequently, he was notified of a proposed action for an administrative separation for the convenience of the government due to a personality disorder, specifically, ADHD, due to the fact that his medication regimen caused side effects of dehydration that limited his capacity to serve in certain operational environments. His case was forwarded to the separation authority, and on 4 August 2005, he received a general discharge and was assigned an RE-4 reenlistment code due to a "Personality Disorder". However, on 17 December 2009, the Commandant of the Marine Corps changed his RE-4 reenlistment code to RE-3P, which means he did not meet the physical/medical standards for reenlistment at the time of his discharge.

d. Separation by reason of a diagnosed personality disorder is proper only if a personality disorder is present, as defined by the Diagnostic and Statistical Manual (DSM). ADHD, according to the DSM, is not a personality disorder, nor a physical disability. Petitioner could have been discharged due to "Secretarial Authority by Reason of Best Interest of the Service", with a JFF1 separation code. He did not receive any disciplinary action or substandard evaluations during his period of active duty.

e. With regard to his eligibility for corporal, paygrade E-4, an advisory opinion from the Marine Corps, Manpower and Reserve Affairs Department states that when a Marine is assigned an RE-3P reenlistment code he is not considered for promotion per directives.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. In this regard, the Board initially notes his overall record of military service, including no disciplinary infractions. The Board finds an impropriety in his discharge, and votes to change his narrative reason from "Personality Disorder" to "Secretarial Authority by Reason of Best Interest of the Service" since ADHD is not a personality disorder. In view of the foregoing, the Board recommends the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 10 August 2005, he was discharged by reason of "Secretarial Authority by Reason of Best Interest of the Service" vice "Personality Disorder" and assigned a JFF1 separation code vice JFX1, now of record.

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 direct to be removed from Petitioner's naval record be returned to this Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

d. That no further relief be granted.

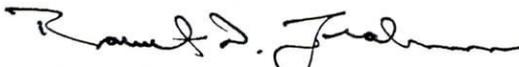
e. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 9 November 2009.

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

  
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