



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

Docket No: 12845-09
15 January 2010

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 5 November 2007.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 January 2010 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.

b. Petitioner enlisted in the Navy on 28 September 2007. On 16 October 2007 he was diagnosed with scoliosis, which existed prior to his enlistment. On 5 November 2007, he received an uncharacterized entry level separation by reason of his failure to meet medical/physical procurement standards and was assigned a reentry code of RE-4.

c. Applicable directives require the assignment of an RE-4 reentry code when a Sailor is discharged for failing to meet medical/physical procurement standards. A Sailor who is found to be not physically qualified for enlistment may, in the alternative, be separated by reason of erroneous entry and assigned a reentry code of RE-3E or RE-4.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that the reason for discharge should be changed to erroneous entry since Petitioner was unaware of his condition when he was accepted for enlistment. Accordingly, the Board recommends that Petitioner's reason for separation be changed to erroneous entry.

The Board also concludes that an RE-3E reentry code should be assigned since there is no evidence that Petitioner had any performance or disciplinary infractions during his period of service and his record does not otherwise support the more stigmatizing code of RE-4.

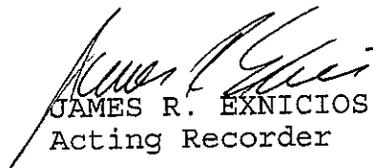
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 5 November 2007 he received an entry level separation by reason of erroneous entry and was assigned a reentry code of RE-3E.

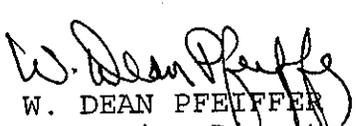
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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