



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

CRS
Docket No: 8955-10
27 October 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) DD Form 149

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting his naval record be corrected by changing the reason for discharge and the reentry code he was assigned on 18 October 2007.
2. The Board, consisting of Mr. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 October 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 6 June 2007. Petitioner did not have any disciplinary action during his period of service.
 - c. While Petitioner's record lacks documentation concerning the specific basis of his discharge, he contends he was separated due to spina bifida, and submitted a medical evaluation which states although spina bifida is not demonstrated, a small defect could certainly be missed. On 18 October 2007 Petitioner received an entry level separation by reason of erroneous entry and was assigned a reentry code of RE-4.
 - d. Applicable directives authorize the assignment of either

an RE-3E or RE-4 reentry code to an individual separated by reason of erroneous entry.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board concludes that the reentry code of RE-3E should be assigned since there is no evidence that Petitioner had any disciplinary infractions during his period of service and his record does not otherwise support the more stigmatizing code of RE-4.

The Board did not consider whether your reason for separation should be changed, since you have not exhausted an available administrative remedy by applying to the Naval Discharge Review Board (NDRB). You may do so by submitting the attached DD Form 293.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 18 October 2007, Petitioner was assigned an RE-3E reentry code instead of the RE-4 reentry code actually assigned on that date.

b. That no further relief be granted.

c. That a copy of this Report of Proceedings be filed in his naval record.

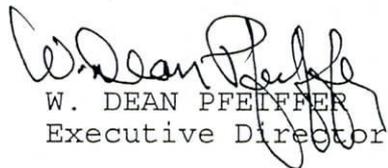
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's 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
Executive Director

Enclosure