



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 07913-12
17 October 2012

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]
[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 Navy, filed enclosure (1) with this Board requesting that his narrative reason for separation "condition, not a disability" and "RE-3G" (condition (not a physical disability) interfering with performance of duty) reentry code be changed. By implication, he requested that his Separation Program Designator (SPD) code be changed from "HFV" (condition, not a disability) to "JFF" (Secretarial Authority). Additionally, he requested a waiver of recoupment of his Selective Reenlistment Bonus (SRB) that the Defense Finance and Accounting Service is recouping.

2. The Board, consisting of Messrs. Ivins and Hotopp and Ms. Henkel, reviewed Petitioner's allegations of error and injustice on 10 October 2012 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, 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 and began a period of active duty on 21 September 2001. On 31 January 2011, he was disqualified from submarine duty due to being diagnosed with a

major depressive disorder, which was treated with psychotropic medication. On 18 May 2010, medical personnel submitted a recommendation that he be disqualified from the submarine nuclear field duty. That recommendation was forwarded and the Commander, Navy Personnel Command (PERS-403) directed his submariner disqualification, effective 31 January 2011. At that time he was forced into a rate conversion. On 9 May 2011, his request for a rate conversion was disapproved and he was recommended for separation. Subsequently, he was notified of the proposed action for an administrative separation due to the diagnosed major depressive disorder. He waived his rights to consult counsel, submit a statement or have his case heard by an administrative discharge board (ADB). On 30 June 2011, his commanding officer directed his separation. He was honorably discharged on 30 June 2011 and assigned an RE-3G reentry code.

f. Separation by reason of a diagnosed disorder is not a condition, as defined by the Diagnostic and Statistical Manual (DSM) and Navy directives. Petitioner's diagnosed "major depressive disorder", according to the DSM, is not a condition but a disorder. His DD Form 214 should show that he was discharged by reason of "Secretarial Authority", issued a "JFF" SPD code, and assigned an RE-1 reentry code.

CONCLUSION:

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

Although Petitioner was diagnosed with a major depressive disorder, the DD Form 214 erroneously states that he was separated by reason of a "condition, not a disability". Consequently, the narrative reason for separation on it should be changed to "Secretarial Authority", SPD code to "JFF" vice "HFV" and he be assigned an "RE-1" reentry code vice "RE-3G". If he wishes to reenlist, re-affiliate, or be reinstated in the Navy, he should contact the Navy Recruiting Command via his nearest recruiting facility.

The Board is unwilling to stop the recoupment of his SRB in light of his inability to complete his reenlistment in the nuclear field. In this regard, it is recommended that he have the effective date of recoupment verified with PERS-403. Additionally, the Board found that he has not exhausted all of his administrative remedies of submitting an SRB waiver request to the Commander Navy Personnel Command (NPC), Navy Support Facility, 701 South Courthouse Road, Room 3R180, Attn: Ms. [REDACTED], Arlington, VA 22204.

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 30 June 2011, he was discharged by reason of "Secretarial Authority", issued a "JFF" SPD code, and assigned an "RE-1" reentry code. Finally, it is recommended that he submit a written request to PERS-403 to verify the effective date he was disqualified from submarine nuclear duty before submitting an SRB waiver through NPC.

b. That no further relief be granted.

c. That a copy of this report of proceedings be filed in Petitioner's naval record.

d. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 26 July 2012.

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