



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

BJG
Docket No: 6960-13
30 July 2014

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 30 Jun 13 w/attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, to change his reentry code of RE-4 (not recommended for retention), which was issued on 9 April 2008.

2. The Board, consisting of Messrs. Bey, Boyd, and Zsalman, reviewed allegations of error and injustice on 29 July 2014, and pursuant to its regulations, determined that relief should be granted. 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 which were available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Navy and entered a period of active duty on 8 December 2004. He received nonjudicial punishment for assault. He was also diagnosed with a personality disorder. He was then recommended for administrative separation due to his diagnosed personality disorder. His final performance evaluation noted that he failed the fall 2007 Physical Fitness Assessment (PFA) and was not recommended for retention. On 9 April 2008, he was discharged

with a general characterization of service due to a personality disorder, and assigned an RE-4 reentry code.

d. The Naval Discharge Review Board (NDRB) changed Petitioner's narrative reason for separation from personality disorder to Secretarial Authority and his characterization of service from general to honorable. NDRB based its decision on the rationale that his spouse was also diagnosed with a personality disorder and believed that he did not assault her.

e. Petitioner could have been assigned a waivable reentry code of RE-3G (condition (not physical disability) interfering with performance of duties).

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting a change of Petitioner's reentry code. The Board believes an RE-4 reentry code is not appropriate in this case due NDRB's change of his narrative reason for separation and characterization of service. However, the Board particularly notes that he was diagnosed with a personality disorder, failed a PFA, and was not recommended for retention. In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

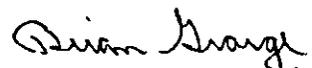
a. That Petitioner's naval record be corrected to show that on 9 April 2008, he was issued an RE-3G reentry code vice the RE-4 now of record.

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.

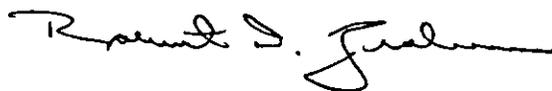
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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 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.



ROBERT D. ZSALMAN
Acting Executive Director