



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

SJN

Docket No: 9393-14
10 February 2015

5 U.S.C. 552(b) (6)

Dear 5 U.S.C. 552(b) (6)

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 January 2015. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 6 February 2002. On 24 July 2009, a medical board diagnosed you with post-traumatic stress disorder (PTSD), alcohol abuse, and a major depressive disorder. After being afforded all of your procedural rights, you were placed on the temporary disability retirement list (TDRL). You remained on the TDRL until 17 July 2012, when the Physical Evaluation Board (PEB) found you fit to return to full duty. Notification of the findings by the PEB was forwarded to the Navy Personnel Command (NPC) on 26 July 2012. On 22 August 2012, you were notified that you were being discharged from the Navy, and your status on the TDRL would be terminated. At that time, you had approximately 45 days to elect the option of reenlisting in the Navy or Navy Reserve. You did not respond in a timely manner and were honorably discharged from the TDRL program, and assigned an RE-3P (physical disability)

reentry code. In this regard, you were assigned the most favorable reentry code based on your circumstances. The RE-3P reentry code may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for reviewing the feasibility of satisfying the Navy personnel manning goals by determining whether or not an individual meets the standards for reenlistment. If you wish to reenlist, re-affiliate, or be reinstated in the Navy, you should contact the Navy Corps Recruiting Command via your nearest recruiting facility.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, and your desire to change your RE-3P reentry code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reentry code given the fact you were offered and opportunity to reenlist in the Navy or Navy Reserve after being found fit for full duty. In this regard, an RE-3P reentry code is authorized when a Sailor is discharged due to a physical disability and is not recommended for retention. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,
5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director