



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

BJG  
Docket No: 17-14  
8 April 2014

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

Subj: [REDACTED]

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

Encl: (1) Subject's ltr did 12 Sep 13 w/attachments  
(2) BCNR dec doc BJD Doc #: 11617-09 dtd 8 Mar 10  
(3) NDRB rpt dtd 26 Jun 09

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, that his naval record be corrected by reinstating him on active duty effective 21 September 2007, advancement to pay grade E-5, and full back pay and allowances. In the alternative, he requested changing his Certificate of Release or Discharge from Active Duty (DD Form 214), block 27 (Reentry Code) of "RE-4" (Not Recommended for Retention) to RE-1 (Recommended for Retention). On 2 March 2010 (enclosure (2)), this Board denied his application.

2. The Board, consisting of Ms. Bianchi and Messrs. Dixit and Gattis, reviewed allegations of error and injustice on 1 April 2014, 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 which were available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Navy and entered active duty on 30 January 2007. While at his "C" school, he disclosed that he had a pre-existing diagnosis of post gastrectomy/dumping syndrome. This condition interfered with the performance of his duties. He was recommended for administrative separation due to his diagnosed condition. On 21 September 2007, he received a general characterization of service due to his condition, not a disability, and was assigned an RE-4 reentry code. He could have been assigned a waivable RE-3G (Condition, Not a Disability) reentry code.

c. On 7 May 2009, the Naval Discharge Review Board (NDRB) upgraded Petitioner's characterization of service to honorable, however, it concluded that his narrative reason for separation (Condition, Not a Disability) to be correct. The NDRB found there was no misconduct or other reason for his general characterization of service.

d. Petitioner has now submitted evidence that he had his diagnosed condition corrected with surgery.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of Petitioner's recent surgery, the Board finds the existence of an injustice warranting limited corrective action.

The Board finds no basis to reinstate Petitioner on active duty, promote him to pay grade E-5, or award him full back pay and allowances. The Board particularly notes that at the time of his separation, he had a condition, not a disability, that interfered with the performance of his duties. The Board finds an injustice in him having an RE-4 reentry code and believes a waivable RE-3G is more appropriate in his case. In view of the above, the Board directs the following partial corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing his RE-4 reentry code, which was issued on 21 September 2007, to RE-3G.

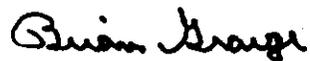
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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.

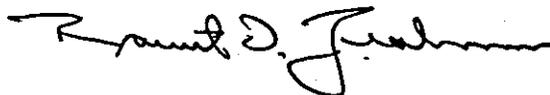
d. That no further relief be granted.

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