



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

HCG
Docket No: 3780-14
19 December 2014

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

Subj: REVIEW OF NAVAL RECORD [REDACTED] USN,
[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 RE-4 (not recommended for reenlistment) reentry code be changed.

2. The Board, consisting of Mr. Grover, Mr. Rothlein, and Mr. Clemmons, reviewed Petitioner's allegations of error and injustice on 10 December 2014 and, pursuant to its regulations, determined that the partial 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. Enclosure (1) was not filed in a timely manner, however, the board found it in the interest in justice to view the case on its merit.

c. Petitioner enlisted in the Navy and began a period of active duty on 28 November 2006. During his enlistment, he was diagnosed with musculoskeletal. Subsequently, administrative discharge action was initiated by reason of convenience of the government due to a condition, not a disability. After being afforded all of his procedural rights, his commanding officer

directed his separation, and on 13 August 2008, he was honorably discharged due to the diagnosed medical condition. At that time he was assigned an RE-4 reentry code, which means he was not recommended for reenlistment. He could have been assigned an RE-3G, which means he had a condition, not a physical or mental disability, which interfered with his performance of duty.

d. With his application, the Petitioner provided two letters from physicians stating that he is now physically fit and cleared to return to duty, and four character letters.

CONCLUSION:

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

The record reflects that Petitioner was properly discharged. Specifically, he was diagnosed with a medical condition that was temporary. Consequently, he received an RE-4 reentry. However, to allow for the opportunity for further service, the Board concludes that the record should be corrected to show he received an RE-3G reentry code. The RE-3G 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's personnel manning goals by determining whether or not an individual meets the standards for reenlistment. 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. In view of the above, the Board recommends the following partial corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 13 August 2008, he was assigned an RE-3G reentry code vice the RE-4 actually issued on that date.

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 7 February 2014.

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.


T. J. REED
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.


ROBERT J. O'NEILL
Executive director