



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

██████████  
Docket No: 1170-21  
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER ██████████ USN,  
XXX-XX ██████████

Ref: (a) 10 U.S.C. § 1552  
(b) USD Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments  
(2) DD Form 2807-2, Medical Prescreen, 11 Nov 04  
(3) DD Form 214  
(4) SF 600, Chronological Record of Medical Care, 23 Sep 05  
(5) Performance Remarks  
(6) Administrative Separation Processing Notification Procedure, 28 Sep 05  
(7) ██████████ CO Memo, subj: [Petitioner]; Report of Administrative Separation, 4 October 2005

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his reentry code be upgraded.

2. The Board reviewed Petitioner's allegations of error or injustice on 24 March 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all of the facts of record pertaining to Petitioner's allegations of error or 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. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review Petitioner's application on its merits.

Subj: REVIEW NAVAL RECORD OF FORMER [REDACTED] USN,  
XXX-XX-[REDACTED]

c. On 11 November 2004, Petitioner completed a medical prescreening questionnaire as part of his enlistment process. In this questionnaire, Petitioner denied any incidents of bed wetting since the age of 12. See enclosure (2).

d. Subsequent to this medical screening, Petitioner enlisted in the Navy and began a period of active duty service on 30 August 2005. See enclosure (3).

e. On 23 September 2005, Petitioner sought and received medical treatment for enuresis.<sup>1</sup> The medical record reflects that Petitioner reported some instances prior to his enlistment. See enclosure (4). Petitioner was counseled regarding the possibility that he could obtain a waiver, but indicated that he did not wish to seek a waiver or to remain in the military. See enclosure (5).

f. On 28 September 2005, Petitioner was notified that he was being processed for administrative separation due to defective enlistments and inductions, specifically erroneous enlistment and fraudulent entry into naval service. He waived his right to consult with counsel and to submit a statement for consideration by the separation authority. See enclosure (6).

g. By memorandum dated 4 October 2005, the separation authority directed that Petitioner be discharged from the Navy and that his service be uncharacterized (entry level separation) due to fraudulent entry in the naval service by failing to disclose his history of enuresis. See enclosure (7).

h. On 7 October 2005, Petitioner was so discharged from the Navy after 39 days of active service. His service was uncharacterized as an entry level separation, and the narrative reason for his separation and separation authority was fraudulent entry into the military service. His reentry code was RE-4. See enclosure (3).

i. Petitioner contends that he never had a diagnosis of nocturnal urination prior to his enlistment, and that he does not have the condition today. Rather, he claims that the enuresis diagnosis was assigned only after a discussion with the doctor about frequent urination, but that he never had an incident during basis training nor any other time in his life. He also contends that he did not understand the consequences of the diagnosis or treatment at the time they were assigned. Petitioner desires the opportunity to apply his abilities and education in the Navy. See enclosure (1).

#### MAJORITY CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Majority of the Board determined that relief was warranted in the interests of justice.

The Majority found no error in Petitioner's entry level separation or in his assigned reentry code. The evidence supported a separation for fraudulent enlistment at the time, Petitioner had indicated that he did not wish to remain in the military, and the reentry code assigned was

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<sup>1</sup> Enuresis is the medical term for involuntary urination, particularly at night.

Subj: REVIEW NAVAL RECORD OF FORMER [REDACTED] USN,  
XXX-XX-[REDACTED]

appropriate under the circumstances.

The Majority also considered the totality of the circumstances to determine whether relief is warranted in the interests of justice in accordance with reference (b). In this regard, the Majority considered, among other factors, Petitioner's assertion that he was not properly diagnosed with enuresis and his desire to apply his experience and education in the Navy; Petitioner's post-service academic and professional accomplishments, to include having earned a Master of Business Administration degree from [REDACTED] and a Master of Science degree in Christian Counseling from [REDACTED] and the passage of time since Petitioner's discharge. Based upon this review and in accordance with reference (b), the Majority determined that no useful purpose is served by continuing to forbid Petitioner's service in the Armed Forces with a non-waiverable reentry code. Rather, the Majority determined that the interests of justice would best be served by changing Petitioner's reentry code to one which may be waived if, as he claims, he does not actually suffer from enuresis. Accordingly, the Majority determined that Petitioner's reentry code should be changed to RE-8 in the interests of justice.

#### MAJORITY RECOMMENDATION:

In view of the above, the Majority of the Board recommends that the following corrections be made to Petitioner's naval record in the interests of justice:

That Petitioner be issued a DD Form 215 (Correction to DD Form 214, Certificate of Release or Discharge from Active Duty) indicating that his reentry code is RE-8.

That no further changes be made to Petitioner's naval record.

#### MINORITY CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Minority of the Board found no error or injustice in Petitioner's reentry code that warrants relief. The Minority concurred with the Majority conclusion that there was no error in the assignment of Petitioner's RE-4 reentry code under the circumstances. The Minority disagreed with the Majority conclusion, however, that relief is warranted in the interests of justice under the totality of the circumstances. While the Minority recognized Petitioner's academic accomplishments, it did not believe that the mitigating circumstances discussed above were sufficient to warrant a change to Petitioner's correctly assigned reentry code. In reaching this conclusion, the Minority noted that Petitioner's submitted medical documentation did not indicate that he no longer suffers from the medical issue that precipitated his discharge as he claimed. Accordingly, the Minority found no error or injustice that warrants a change to Petitioner's reentry code.

#### MINORITY RECOMMENDATION:

In view of the above, the Minority of the Board recommends that no corrective action be taken on Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the

Subj: REVIEW NAVAL RECORD OF FORMER [REDACTED] USN,  
XXX-XX [REDACTED]

foregoing is a true and complete record of the Board's proceedings in the above titled matter.

5. The foregoing action of the Board is submitted for your review and action.

4/26/2021

[REDACTED]

Executive Director

ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

Majority Recommendation Approved (Change to RE-8)

~~Minority Recommendation Approved (Deny Relief)~~

6/15/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]