



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

[REDACTED]  
Docket No: 7531-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF 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 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

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 naval record be corrected to change his reentry/reenlistment code and to make other conforming changes to his DD Form 214.

2. The Board, consisting of [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 November 2022, and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

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. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review the application on its merits.

c. The Petitioner enlisted in the Marine Corps and began a period of active service on 29 June 2009. Petitioner's pre-enlistment physical examination, on 10 July 2008, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.

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d. On 12 February 2010, the Petitioner's command issued him a "Page 11" counseling warning (Page 11) documenting deficiencies involving inappropriate behavior in the work place by his inability to properly complete assigned tasks, unsatisfactory performance of duty, and unwillingness to get along with co-workers. The Page 11 advised him that a failure to take the recommended corrective action and/or any further instances of inappropriate behavior and/or unsatisfactory performance of duty may result in administrative separation or limitation of further service. Petitioner elected to not submit a Page 11 rebuttal statement.

e. On 12 February 2010, the Division Psychiatrist, [REDACTED] (DP), strongly recommended Petitioner's expeditious administrative discharge by reason of convenience of the government for a mental health problem that was not a disability. Following a thorough evaluation, the DP diagnosed Petitioner with an adjustment disorder and deemed him fit for return to duty for the purpose of immediate processing for administrative separation. The DP determined there was no objective evidence to support either PTSD or a traumatic brain injury (TBI). The DP also determined that Petitioner was not considered mentally ill, was responsible for his behavior, did not have a severe mental disease or defect, was considered mentally competent,. The DP opined that Petitioner adjusted poorly to the demands of military service, was unmotivated for continued military service despite appropriate leadership, counseling and discipline, and was highly likely to negatively impact unit effectiveness and morale if retained in the military. The DP recommended that Petitioner not be allowed to drink alcohol, handle weapons, deploy, engage in other potentially stressful or hazardous duties, or be placed in a position of responsibility.

f. Following the DP's administrative discharge recommendation, on 12 February 2010, the Petitioner's command issued him a Page 11 documenting his adjustment disorder diagnosis. The Page 11 advised him that he was not allowed to drink alcohol, handle weapons, deploy, engage in other potentially stressful or hazardous duties, or be placed in a position of responsibility.

g. On 15 March 2010, the Petitioner's commanding officer (CO) completed a non-medical assessment (NMA). The CO in his separation recommendation noted the following:

[Petitioner] sought mental health treatment shortly after he arrived at this command from the School of Infantry in December 2009. He has been diagnosed with adjustment disorder with an underlying factor of bipolar disorder. Although he had not been treated for this condition prior to entering service, he has a family history of this illness and described to me how it has negatively affected his mother's career. He is capable of performing at an acceptable level only when medicated, but that medication renders him unfit for deployment. He does have a desire to remain on active duty, but after three months of attempts admits he is not capable of carrying out his duties without medication. Given this situation, I have no choice but to concur with the medical officer and recommend his administrative separation from the Marine Corps.

h. On 26 May 2010 Petitioner's command initiated administrative separation proceedings by reason of convenience of the government on the basis of a condition, not a disability.

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Petitioner waived his rights to consult with counsel, submit a statement on his own behalf, and to request a hearing before an administrative separation board. Ultimately, on 2 September 2010, Petitioner was discharged from the Marine Corps for a condition, not a disability with an Honorable characterization of service and assigned an RE-4 reentry code.

i. In short, Petitioner contended that the original reason for his separation was temporary and no longer present. The Petitioner argued that he was physically and mentally fit and was attempting to reenlist.

#### CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief.

The Board determined that Petitioner's assigned reentry/reenlistment code was erroneous and unduly harsh given his circumstances and creates an unnecessary negative inference. The Board noted that the "RE-4" reentry code is assigned in Marine Corps cases when there usually is misconduct in the record, there is no potential for further service, a Marine is ineligible for reenlistment, and/or the command does not recommend a Marine for reenlistment. Given that an adjustment disorder by definition usually subsides when the underlying stressor is removed, the Board determined a change to Petitioner's reentry/reenlistment code is warranted to "RE-3P." This reentry code corresponds to "failure to meet physical/medical standards," and is the appropriate designation in cases involving a "condition (not physical disability) interfering with the performance of duty," absent any evidence to the contrary. The Board noted that the "RE-3P" reentry code may not prohibit reenlistment, but requires that a waiver be obtained. Recruiting personnel are responsible for determining whether Petitioner meets the standards for reenlistment and whether or not a request for a waiver of the reentry code is feasible. The Board was not willing to grant Petitioner an RE-1 or RE-1A reentry code based on the existing medical evidence and concluded that Petitioner will need to demonstrate to recruiting personnel he is physically and mentally fit for service should he attempt to reenlist.

Accordingly, the Board concluded that based on the totality of his circumstances, that such revised RE-3P reentry code was proper and in compliance with all Department of the Navy directives and policy at the time of his discharge.

#### RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215) for the period ending 2 September 2010, to reflect the following change to the Block 27 Reentry Code section:

That Petitioner's reentry/reenlistment code be changed to "RE-3P"

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Following the correction to the DD-214 for the period ending 2 September 2010, that all other information currently listed on such DD-214 remain the same.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. 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.

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.

11/20/2022

[REDACTED]

Executive Director

[REDACTED]