

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 April 2024

DOCKET NUMBER: AR20230010371

APPLICANT REQUESTS: correction of his reenry (RE) code from RE-4 to a lower reenlistment code that would allow him to reenlist

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter
- Associate of Applied Science Degree
- Letter from Doctor
- Medical Documents

FACTS:

1. The applicant states in his application and self-authored letter:

a. He is requesting a change in his RE code from RE-4 to a lower RE code that would allow him the opportunity to reenlist.

b. Following up with gastroenterology services, he has been found to have no restrictions on physical activities pertaining to Celiac disease. He followed up with the Department of Veterans Affairs (VA) medical and no other physical problems were found.

c. Celiac disease is not a disqualifying factor for military service, the condition he was medically discharged for. He has been found, by William Beaumont Army Medical Center Gastroenterology Services to have no more symptoms of Celiac disease.

d. The applicant was medically discharged from the Army for Celiac disease. His hopes are to change his RE code from a RE-4 to any code that the Board sees fit. He has always wanted to be a Soldier and that is all he wants is to stay a Soldier.

e. His Celiac disease was found to be mild and he has no physical restrictions. He had Celiac disease his whole career. In that time, he attended the National Training Center, attended Special Forces selection, completed his associates degree, and

obtained the rank of sergeant. Celiac disease was never a hinderance to him, while serving.

f. He is asking for a change in his RE code so he can serve his country again and make a career in the military.

2. The applicant provides the following documents:

a. A certificate which shows the applicant received his associate degree in applied science in December 2022.

b. A letter from the Chief of Gastroenterology Service, William Beaumont Army Medical Center, dated 2 June 2023, which states the applicant was last seen by the Gastroenterology Clinic on 27 July 2023. At the time of his visit, the applicant denied any gastrointestinal symptoms related to Celiac disease. The applicant's last upper endoscopy was completed on 3 February 2022 with mild villous blunting, consistent with celiac sprue. The applicant can follow up with gastroenterology every one to two years and should continue a gluten free diet. There were no restrictions on physical activities pertaining to his Celiac disease.

c. Medical documents showing the applicant's lab results and clinic notes. The documents are available for the Board's consideration.

3. The applicant's service record contains the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows the applicant enlisted in the Regular Army on 19 June 2018 and entered active duty on 11 June 2019.

b. DA Form 199 (Informal Physical Evaluation Board (PEB) Proceedings), dated 1 November 2022 shows the applicant was found physically unfit for duty. The board recommended a rating of 30 percent and that his disposition be permanent disability retirement. The disability was Celiac disease, irritable bowel syndrome with abdominal pain. The applicant concurred with the findings and waived a formal hearing in his case. He did not request reconsideration of his VA ratings.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) honorably transferred the applicant to U.S. Army Reserve Control Group (Retired) effective 6 February 2023. He had completed 3 years, 7 months, and 26 days of active-duty service. He was discharged for disability, permanent; his separation code was SEJ; and his RE Code was RE-4.

4. Based on the applicant's records showing he was discharged for permanent disability for Celiac disease, the ARBA Medical Section provided a medical review for the Board's consideration.

5. MEDICAL REVIEW:

a. The Army Review Boards Agency (ARBA) Medical Advisor was asked to review this case. Documentation reviewed included the applicant's ABCMR application and accompanying documentation, the military electronic medical record (AHLTA), the VA electronic medical record (JLV), the electronic Physical Evaluation Board (ePEB), the Medical Electronic Data Care History and Readiness Tracking (MEDCHART) application, and/or the Interactive Personnel Electronic Records Management System (iPERMS). The ARBA Medical Advisor made the following findings and recommendations:

b. The applicant has applied to the ABCMR requesting a change in his reentry code so that he may reenlist. He states:

“Following up with gastroenterology services I have been found of No restrictions on physical activities pertaining to Celiac disease. Following up with VA medical, no other physical problems have been found.

Celiac disease is not a disqualifying factor for military service, the condition I was medically discharged for. I have been found by William Beaumont Army Medical Center Gastroenterology Services to have no more symptoms of Celiac disease.”

c. The Record of Proceedings details the applicant's service and the circumstances of the case. His DD 214 for the period of Service under consideration shows he entered the regular Army on 11 June 2019 and was permanently retired for physical disability on 6 February 2023 under provisions provided in Chapter 4 of AR 635-40, Physical Evaluation for Retention, Retirement, or Separation (17 January 2017). His reentry code is 4, separated from last period of service with a nonwaiverable disqualification.

d. On 1 November 2022, the Army's Physical Evaluation Board (PEB) found the applicant's “Celiac disease, irritable bowel syndrome with abdominal pain” to be his sole unfitting medical condition for continued service. They applied the VA derived rating of 30% and recommended he be permanently retired for physical disability. On 8 November 2022, after being counseled by his PEB liaison officer (PEBLO), he concurred with the PEB, waived his right to a formal hearing, and declined the opportunity to request a VA reconsideration of his disability rating.

e. Paragraph 3-16c(5) of AR 40-501, Standards of Medical Fitness (17 June 2019), states celiac disease per se fails medical retention standards:

(5) Gluten-sensitive enteropathy (celiac disease or sprue). All Soldiers with a geographic limitation and who require permanent P3, code V, to describe the deployment restrictions on the DA Form 3349 in e-Profile will be referred to the DES. The diagnosis of celiac sprue may be made with either positive antibodies to tissue transglutaminase (known as TTG IgA positive) or duodenal biopsy with pathology consistent with celiac disease.”

f. The primary reason for the geographic limitation for these Soldiers is the lack of gluten free rations and meals on deployments and in combat theaters.

Soldiers permanently retired for physical disability receive a reentry code of 4, separated from last period of service with a non-waiverable disqualification.

g. It is the opinion of the ARBA medical advisor a change in the applicant’s reentry code is not warranted.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant’s petition, available military records and the medical review, the Board concurred with the advising official finding a change in the applicant’s reentry code is not warranted. The Board determined based on the opine the applicant’s RE Code is not in error and accurately reflected on his DD Form 214 in accordance with his physical disability. The Board agreed the military is not equipped to properly for the geographic limitation for the applicant and Soldiers based on the lack of gluten free rations and meals on deployments and in combat theaters. The Board determined there is insufficient evidence to support correction of applicant’s reentry (RE) code from RE-4 to a lower reenlistment code that would allow him to reenlist. Therefore, the Board denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

4/11/2024

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CHAIRPERSON  
Signed by: SCHINDLER.KERRY.JOHN.1099712119

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Army Regulation 635-5-1 (Personnel Separations - Separation Program Designators), in effect at the time, states that the SPD Code "SEJ" applies to separations for permanent disability.
2. AR601-210 (Regular Army and Reserve Components Enlistment Program) table 3-1 (U.S. Army reentry eligibility codes) states:
  - a. RE-1: Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army.

b. RE-3: Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation or disqualification is waiverable.

c. RE-4: Applies to: Person separated from last period of service with a nonwaiverable disqualification.

d. RE-4R: Applies to: A person who retired for length of service with 15 or more years active federal service.

3. Title 10, U.S. Code, section 1556 requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//