



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 2968-01
24 August 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/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, applied to this Board requesting changes in the reason for discharge and reenlistment code.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and Neuschafer reviewed Petitioner's allegations of error and injustice on 22 August 2001 and, pursuant to its regulations, determined that the 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. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 19 September 1996 for six years as an ET3. At the time of his reenlistment, he had completed more than three years of prior active service.

During his prior enlistment, he received two letters of commendation for his community service and was awarded the Good Conduct Medal.

d. On 1 October 1998 Petitioner was awarded the Navy-Marine Corps Achievement Medal for his superior performance of duties from November 1996 to October 1998 while serving as a communication maintenance technician at the U. S. Naval Computer and Telecommunication Station, Sicily.

e. On 11 December 1998 Petitioner received nonjudicial punishment (NJP) for a 30-day period of unauthorized absence (UA) from 31 October to 1 December 1998. Punishment imposed consisted of a reduction in rate to ETSN (E-3), forfeitures of \$150 per month for two months, and 30 days of restriction and extra duty.

f. On 14 December 1998 Petitioner was diagnosed with an unspecified personality disorder with borderline and passive-aggressive traits. The examining psychologist opined that Petitioner manifested a longstanding character and behavior disorder which was of such severity as to render him unsuitable for continued serve. Administrative separation was recommended. Further facts and circumstances surrounding Petitioner's referral for a psychiatric evaluation are not shown in the records provided for the Board's review.

g. On 22 December 1998 Petitioner was notified that he was being recommended for a general discharge by reason of convenience of the government due to a diagnosed personality disorder. He was advised of his procedural rights, declined to consult with legal counsel and waived his rights.

h. On 8 January 1999 Petitioner was separated with a general discharge due to the diagnosed personality disorder, and was assigned an RE-4 reenlistment code. The discharge processing documentation is not on file in the record.

i. Petitioner provides copies of Evaluation Reports from March 1996 through June 1998 which show he was consistently marked as "Meets Standards" (3.0) or "Above Standards" (4.0). The evaluation report submitted upon separation was not provided by Petitioner and presumably was adverse, and no longer recommended him for promotion or reenlistment. However, it

appears that even if his separation evaluation report was adverse, his final individual traits average would warrant a fully honorable characterization of service.

j. Individuals discharged for the convenience of the government due to a diagnosed personality disorder receive the type of discharge warranted by the service record.

k. Regulations authorize the assignment of an RE-3G or RE-4 reenlistment code to an individual discharged by reason of personality disorder. An RE-3G reenlistment code means an individual is eligible for reenlistment except for the disqualifying factor which led to discharge. This code may be waived by recruiting officials if the individual can show that the personality disorder is erroneous or no longer exists. An RE-4 reenlistment code means that an individual is ineligible for reenlistment without prior approval from Commander, Navy Personnel Command.

l. On 12 January 2000, the Naval Discharge Review Board denied Petitioner's request for an upgrade of his discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner had more than three years of honorable service during his first enlistment, more than two years of excellent service in his current enlistment for which he was awarded the Navy Achievement Medal just prior to receiving NJP for a 30-day period of UA. The Board notes that Petitioner could have been processed for misconduct due to commission of a serious offense, but the command apparently felt that discharge for diagnosed personality disorder was more appropriate. The Board believes that given Petitioner's overall record, this single incident of misconduct was an aberration. It appears to the Board that due consideration was not given his overall record, and he was issued a general discharge and not recommended for reenlistment only because of this single incident of misconduct. Since he was discharged for a diagnosed personality disorder, the Board believes he should have received the type of discharge warranted by the service record, and a general discharge and the most restrictive RE-4 reenlistment code were unduly harsh. However,

absent medical evidence that the diagnosis of personality disorder was erroneous, the Board concludes that the reason for separation was proper and no change is warranted. Accordingly, the Board concludes that it would be appropriate and just to recharacterize his general discharge to a fully honorable discharge and change his reenlistment code to RE-3G.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued a honorable discharge by reason of personality disorder with an RE-3G reenlistment code on 8 January 1999, vice the general discharge and RE-4 reenlistment code now of record.

b. That no further relief be granted.

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 12 April 2001.

d. 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.

e. 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 references being made a part of 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.

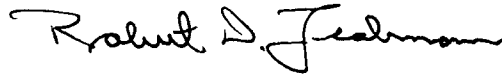
ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
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.



For W. DEAN PFEIFFER
Executive Director