



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

CRS
Docket No: 3380-01
19 September 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
[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, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected by changing the RE-4 reenlistment code assigned on 29 April 1998.

2. The Board, consisting of Messrs. Pfeiffer, Adams, and Cooper, reviewed Petitioner's allegations of error and injustice on 12 September 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 8 April 1998 at age 21. At the time of enlistment he had completed twelve years of formal education.

d. A psychiatric evaluation, conducted on 21 April 1998, found that Petitioner had a severe character and behavior disorder. Specifically, his shipmates were afraid of him since he wandered around at night, peering at them while they were sleeping.

e. On 23 April 1998 the commanding officer directed that Petitioner receive an entry level separation based on a psychotic

personality disorder. He waived all rights, including the right to consult with counsel. On 29 April 1998 he received an entry level separation by reason of a diagnosed personality disorder. At that time Petitioner was assigned a reenlistment code of RE-4.

f. Applicable directives authorize the assignment of either an RE-3G or RE-4 reenlistment code to an individual discharged due to a physical or mental condition such as a personality disorder.

g. In his application, Petitioner contends that he was not mentally, physically, or spiritually prepared for military service. In support of his application, he has submitted letters attesting to his good character from his pastor and one of his college professors.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner's admission that he was not prepared for recruit training. However, the Board believes that while Petitioner would stare at sleeping fellow shipmates, he was only having adjustment problems. Additionally, the Board is aware that changing the reenlistment code from RE-4 to RE-3G will not require that Petitioner be reenlisted, and he will have to convince recruiting authorities that he is mentally fit to serve. Accordingly, the Board believes that the RE-4 reenlistment code should now be changed to RE-3G.

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 29 April 1998, Petitioner was assigned an RE-3G reenlistment code instead of the RE-4 reenlistment code actually assigned.

b. 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.

c. 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 reference 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