



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

ELP
Docket No. 3933-01
19 October 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, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Swarens, Leeman, and McCulloch reviewed Petitioner's allegations of error and injustice on 17 October 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 enlisted in the Navy on 2 November 1999 for four years at age 22. At that time, he extended his enlistment for an additional period of 12 months in exchange for training as a hospital corpsman.

d. On 29 November 1999 Petitioner was referred to the recruit mental health unit for evaluation. He claimed that he

had been depressed most of his life, always felt alone, and had low self-esteem. He stated that he became more depressed 18 months ago when his father died, and was still in mourning. Petitioner was diagnosed as having an unspecified depressive disorder but was considered a low risk for self-harm. An entry level separation was recommended.

e. On 2 December 1999 Petitioner was notified that administrative separation processing was being initiated by reason of convenience of the government due to the diagnosed depressive disorder. He was advised of his procedural rights, declined to consult with legal counsel or submit a statement in own behalf, and waived the right to have his case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment. Petitioner was so discharged on 9 December 1999 and assigned an RE-4 reenlistment code.

f. Petitioner provides a statement from a licensed psychologist who recently evaluated him for enrollment in the Naval Reserve Officers' Training Corps (NROTC). The psychologist noted that the results of the Beck Depression Inventory and the Minnesota Multiphasic Personality Inventory-II (MMPI) were valid and within normal limits. Petitioner's mother asserts that her son has never suffered from any kind of psychological disorder and there is nothing mentally wrong with him.

f. At enclosure (2) an advisory opinion from the Navy's Specialty Advisor for Psychiatry states that Petitioner appears to no longer suffer from symptoms of depression, and that he most likely developed intense depressive symptoms due to the stress of recruit training. Since recruit training was the first time he was away from home and has not suffered from depression since, the specialty advisor opines that Petitioner is an appropriate candidate for the NROTC program.

g. Regulations authorize the assignment of an RE-3E or an RE-4 reenlistment code to individuals separated by reason of erroneous entry. An RE-3E reenlistment code means that the individual is eligible for reenlistment except for the disqualifying factor which led to the discharge. This code may be waived by recruiting or Naval Reserve Officer Training Corps officials if they are convinced that the diagnosis was erroneous or the problem no longer exists. An RE-4 reenlistment code

means the individual is ineligible for reenlistment without prior approval from Commander, Navy Personnel Command.

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 no performance or discipline problems during his short period of service. Since he was considered a low risk for harm to himself or others, the Board believes that the assignment of the most restrictive RE-4 reenlistment code was unduly harsh and he should not be restricted from further service if the depressive disorder which led to his separation no longer exists. The Board also notes the evidence which suggests that Petitioner is now psychologically stable and in good mental health. Accordingly, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-3E.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 9 December 1999, to RE-3E.

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 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