



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

TRG
Docket No: 3945-01
25 October 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 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 Naval Reserve filed enclosure (1) with this Board requesting that his record be corrected to show a better reenlistment code than the RE-4 reenlistment code assigned on 6 April 1998.

2. The Board, consisting of Mr. Kastner, Mr. McPartlin and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 16 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. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 20 February 1998 at age 19 and reported for active duty on 26 March 1998. The next day he was diagnosed with post traumatic stress disorder (PTSD) resulting from sexual abuse when he was a child. Based on this diagnosis he was processed for an administrative separation by reason of erroneous enlistment. In connection with this processing, he elected to waive his procedural rights. On 1 April 1998 the separation authority directed an entry level separation and he was so separated on 6 April 1998. The

narrative reason for separation of "personality disorder" was erroneously entered on his DD Form 214. He was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner states in his application that he does not understand why he was separated because of a personality disorder. He states, in effect, that he is more mature and desires a change in the reenlistment code so that he can reenlist.

e. Regulations allow for the assignment of an RE-3E or an RE-4 reenlistment code when an individual is separated by reason of erroneous enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that the narrative reason entered on Petitioner's 214 is in error because he was never diagnosed with a personality disorder and was not processed for separation for that reason. Therefore, the Board concludes that the narrative reason for separation should be changed to erroneous enlistment.

Concerning the RE-4 reenlistment code, the Board notes the reason for Petitioner's separation and his statement, in effect, that he has matured and has resolved his problems. Therefore, the Board believes that no useful purpose is now served by the RE-4 reenlistment code and it should be changed to the less restrictive RE-3E reenlistment code. This code will alert recruiters that there is a problem which must be resolved before reenlistment should be authorized.

The Board further concludes that this Report of Proceedings, should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the assignment of the RE-4 reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 6 April 1998 he was separated by reason of erroneous enlistment with an RE-3E reenlistment code vice the reason for separation and reenlistment code now of record.

b. That 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.

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