



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

ELP
Docket No. 4930-01
19 November 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 that his reenlistment code be changed.

2. The Board, consisting of Messrs. Milner, Harrison, and Shy reviewed Petitioner's allegations of error and injustice on 15 November 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 30 October 1997 for four years at age 20. The record reflects that he was advanced to CTOSA (E-2) and served without incident until 2 November

1998, when he was counseled regarding multiple unauthorized absences and failure to obey rules and regulations. On 10 November 1998 he requested a psychiatric evaluation. He complained that his mental health had deteriorated since enlisting, he enlisted only to keep his marriage intact, and he was planning to divorce his wife. Petitioner underwent a psychiatric evaluation on 17 November 1998 and was diagnosed with an unspecified personality disorder with passive aggressive, dependent and borderline features. The psychiatrist concluded that he posed a negligible risk for harm to himself or others, but that interpersonal occupational problems made retention inadvisable.

d. On 23 November 1998 Petitioner was notified that administrative separation action was being initiated 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 or submit a statement in own behalf, and waived the right to have his case reviewed by the general court-martial convening authority. On 24 November 1998 the discharge authority directed a general discharge. Petitioner was so discharged on 25 November 1998 and assigned an RE-4 reenlistment code. Petitioner had no disciplinary actions during his period of service.

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

f. The Board did not consider Petitioner's characterization of service since he has not exhausted his administrative remedies by first applying to the Naval Discharge Review Board.

g. Petitioner provides documentation that he has been employed for the past two years and is pursuing a college degree.

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 that during his 13 months of service Petitioner completed CT "A" school, was advanced to CTOSA, and had no disciplinary actions. Absent evidence to the contrary, the Board believes the assignment of the most restrictive RE-4 reenlistment code was unduly harsh. The Board concluded that it would be appropriate and just to change his reenlistment code to RE-3G.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 25 November 1998, to RE-3G.

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.

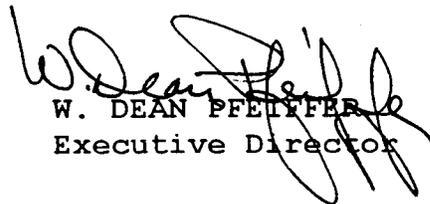
ROBERT D. ZSALMAN
Recorder



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.



W. DEAN PFEIFFER
Executive Director