



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

JRE
Docket No: 5301-01
28 December 2001

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

Subj: FORMER- [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was discharged by reason of physical disability, and that he was assigned a reenlistment code of RE-3Q or other more favorable code.
2. The Board, consisting of Messrs. Bishop, Ensley and Neuschafer, reviewed Petitioner's allegations of error and injustice on 13 December 2001 and, pursuant to its regulations, determined that the partial 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 4 March 1999. He appeared before a medical board on 4 May 2000, and was given diagnoses of migraine headaches, hypertension, euthyroid goiter, hypercalcemia, tachycardia, hypercalcinuria, and elevated testosterone. The medical board recommended that his case be referred to the Physical Evaluation Board for disposition. Petitioner contends that as he did not want to remain on active duty for what he thought would be an extended period of time while his disability evaluation processing was completed, he opted for an administrative discharge. He was discharged on 6 July 2000 by reason of failure to complete a commissioning program. He was eligible for assignment of a reenlistment code of RE-3Q or RE-4, and his commanding officer directed that he be

assigned the latter code. Petitioner contends he was told that he could reenter the Armed Forces should his medical condition change. He has recently learned that although his medical conditions have resolved, he remains ineligible for reenlistment because of his reenlistment code.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner has been unfairly stigmatized by an RE-4 reenlistment code, and that it would be in the interest of justice to correct his record to show that he was assigned a reenlistment code of RE-3Q. In view of Petitioner's apparent waiver of his right to undergo disability evaluation processing, there is no basis for correcting his record to show that he was discharged by reason of physical disability.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 6 July 2000, he was assigned a reenlistment code of RE-3Q, vice the code of RE-4 he was actually assigned on that date.

b. That so much of his request for corrective action as exceeds the foregoing be denied.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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


JAMES R. EXNICIOS
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