



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

TJR
Docket No: 7261-01
5 April 2002

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

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) SECNAVINST 1910.4B

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Brezna, Mr. Dunn, and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 2 April 2002 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 12 October 1995 and served without disciplinary actions.

d. On 31 October 1995, after undergoing a medical examination, Petitioner was diagnosed with an adjustment disorder with depressed mood as evidenced by depressed feelings, difficulty adjusting, and suicidal ideation. At that time Petitioner was recommended for separation.

e. Subsequently, Petitioner was notified of proposed action for an administrative separation for the convenience of the government due to the diagnosed adjustment disorder. On 2 November 1995 Petitioner's commanding officer directed separation.

f. On 7 November 1995 Petitioner was separated with an uncharacterized entry level separation by reason of convenience of the government due to a personality disorder. At this same time, Petitioner was assigned an RE-4 reenlistment code.

g. Separation by reason of a diagnosed personality disorder is proper only if a personality disorder, as defined by the Diagnostic and Statistical Manual (DSM) is diagnosed. A situational adjustment reaction, according to the DSM, is not a personality disorder. Further, reference (b) does not specifically authorize separation by reason of an adjustment disorder.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action.

The Board notes that Petitioner, although diagnosed with an adjustment disorder, was erroneously separated by reason of a personality disorder, and concludes that the reason for separation should be changed to best interest of the service. This reason for separation is appropriate when discharge is appropriate, but the individual's situation is not covered by any other reason for separation. However, the Board also notes that Petitioner's RE-4 reenlistment code was appropriate given his diagnosed adjustment disorder, and concludes that the reenlistment code should not be changed.

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 7 November 1995, he was separated by reason of best interest of the service (secretarial authority) vice the discharge by reason of convenience of the government due to personality disorder actually issued on that date.

b. That no further relief be granted.

c. 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.

d. 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 Regulation, 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