



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

JRE
Docket No: 6804-02
14 November 2002

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 her naval record be corrected to show that she was assigned a reenlistment code of RE-1 vice RE-4.
2. The Board, consisting of Ms. Moidel and Messrs. Bishop and Geisler reviewed Petitioner's allegations of error and injustice on 19 September 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 served on active duty in the Navy from 9 February to 29 March 1999, when she was discharged by reason of erroneous entry because of a disqualifying mental disorder which existed prior to her enlistment. She was assigned a reenlistment code of RE-4, as permitted by governing directives.
 - d. Petitioner contends, in effect, that prior to enlisting, she disclosed the condition which resulted in her discharge, but failed to obtain a waiver because she was not told that one was required. She did not contest her discharge because she felt it would be fruitless, as she had not obtained a waiver, and that she decided to accept discharge and then pursue a waiver. Unfortunately, the reenlistment code she was assigned is generally not waivable.

In support of her application, she submitted a statement from a Navy recruiter, which is to the effect that he believes Petitioner is "very dedicated, mature and hard charging", and would be a positive asset to the Navy". He recommended that her request be granted.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that it would be in the interest of justice to correct Petitioner's record to show that she was assigned a reenlistment code of RE-3E, which would permit her to apply for a waiver of her physical disqualification from reenlistment.

RECOMMENDATION:

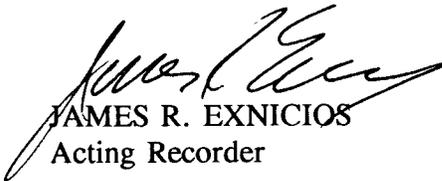
a. That Petitioner's naval record be corrected to show that she was assigned a reenlistment code of RE-3E, vice the code of RE-4 she was actually assigned on 29 March 1999. .

b. That so much of Petitioner's request for correction of her naval record 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