



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

ELP
Docket No. 6321-01
29 January 2002

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[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, in effect, that his reenlistment code be changed.

2. The Board, consisting of Ms. Davies and Messrs. Chapman and McCulloch, reviewed Petitioner's allegations of error and injustice on 24 January 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. Although it appears that Petitioner's application to the Board 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 Navy on 8 February 1993 for four years at age 17. On the second day of his enlistment, he

was referred to the mental health unit after he complained during the screening process that he "felt like crap being there" and enlisted mainly to please his father. During the mental status examination, his mood was described as sad with a depressed affect. He reported poor sleep and appetite, impaired concentration, feelings of helplessness, low energy, and crying spells. He was considered a low risk for harm to himself or others, but he did not wish to continue training. Petitioner was diagnosed as having an adjustment disorder with depressed mood and immature traits. Administrative separation was recommended.

d. On 10 February 1993 Petitioner was notified that administrative separation was being initiated by reason of a diagnosed adjustment disorder. He was advised of his procedural rights and waived those rights. He did not object to the discharge.

e. On 12 February 1993, the discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment as evidenced by a diagnosed adjustment disorder. Petitioner was so discharged on 17 February 1993 and assigned an RE-4 reenlistment code.

f. Regulations authorize the assignment of an RE-3E or an RE-4 reenlistment code to individuals separated by reason of erroneous entry. An RE-3E reenlistment code means that the individual is eligible for reenlistment except for the disqualifying factor which led to the discharge. This code may be waived by recruiting officials if they are convinced that the diagnosis was erroneous or the problem no longer exists. An RE-4 reenlistment code means the individual is ineligible for reenlistment without prior approval from Commander, Navy Personnel Command.

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 Petitioner had no performance or discipline problems during his short period of service. Since he was considered a low risk for harm to himself or other, the Board believes that the assignment of the most restrictive RE-4 reenlistment code was unduly harsh and he should not be restricted from further service if the adjustment

disorder which led to his separation no longer exists. Accordingly, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-3E.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 17 February 1993, to RE-3E.

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.

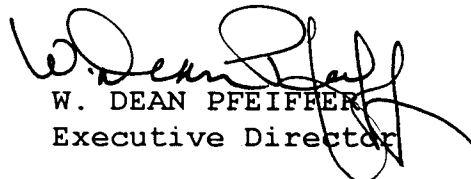
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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