



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

SJN
Docket No: 11812-09
30 August 2010

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 with attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former petty officer of the Navy, filed enclosure (1) with this Board requesting a change for the reason she was discharged from "Secretarial Authority by reason of Best Interest of the service" to "Expiration of Service/Involuntary Discharge", and that her RE-4 reenlistment code be upgraded to RE-1.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 August 2010 and, pursuant to its regulations, determined that the limited 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 enclosure (1) 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 and began a period of active duty on 13 August 1992. On 24 February 1993, she underwent mammoplasty surgery (breast reduction). Approximately five months later, she was diagnosed with a personality disorder after she displayed signs of depression after her surgery, which was performed by Navy medical personnel. The outpatient psychiatric evaluation stated, in part, that she had a

personality disorder, not otherwise specified, with paranoid and borderline features. She was found not to be suicidal, homicidal or psychotic. At that time, it was felt that she was suitable for further military service. She was honorably discharged on 2 March 1994 and assigned an RE-4 reenlistment code. On 17 September 2009, the Navy Discharge Review Board (NDRB) found evidence of impropriety in her discharge, found that the discharge was improper, and voted unanimously to change her narrative reason of discharge to "Secretarial Authority by Reason of Best Interest of the Service", which is used when a Sailor does not meet the minimum criteria for processing for any other reason. She did not receive any disciplinary action or substandard evaluations during her period of active duty.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. In this regard, the Board initially notes her overall record of military service, including no disciplinary infractions, and above average performance marks. The Board therefore concludes that, in retrospect, the assignment of the most restrictive reenlistment code of RE-4 was inappropriate, and assignment of an RE-1 reenlistment code more accurately reflects the quality of her service. Finally, since she did not meet the minimum criteria for any other reason for processing, the narrative reason for separation will remain as "Secretarial Authority by Reason of Best Interest of the Service". In view of the foregoing, the Board recommends the following limited corrective action:

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 2 March 1994, she was assigned an RE-1 reenlistment code vice the RE-4 code now of record.
- 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 direct to be removed from Petitioner's naval record be returned to this 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.
- d. That no further relief be granted.

e. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 9 November 2009.

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


BRIAN J. GEORGE
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.


W. DEAN PFEIFFER
Executive Director