



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

BJG
Docket No: 5561-10
18 February 2011

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

Subj: REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 10 May 10 w/attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by changing block 27 (Reentry Code) of his Certificate of Release or Discharge from Active Duty (DD Form 214) from RE-4 (not recommended for reenlistment) to RE-1 (recommended for retention) or RE-2 (ineligible for reenlistment).

2. The Board, consisting of _____ and _____ reviewed allegations of error and injustice on 15 February 2011, 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 which were available under existing law and regulations within the Department of the Navy.

b. Petitioner entered active duty in the Navy on 19 September 2007. His record is incomplete, but it appears that he was given a mental health evaluation, and found to be suffering from situational psychological problems that interfered with the performance of his duties. His mother had recently passed away and his father had a heart attack. He was

administratively separated with an uncharacterized entry level separation and assigned an RE-4 reentry code.

c. Petitioner submitted a letter from his doctor stating, that in his opinion, he is currently no longer suffering from any type of psychological issues that would prevent him from successfully serving in the armed forces.

d. An RE-3P (condition not a disability) reentry code could have been assigned to Petitioner under the circumstances of his case. It is a waivable code.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting partial relief.

The Board finds that neither an RE-1 nor RE-2 reentry code were appropriate in Petitioner's circumstances. However, an RE-3P should have been assigned to allow future reenlistment if his psychological issues were resolved. The Board believes that he was erroneously assigned an RE-4 reentry code, and it should be upgraded to RE-3P.

In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing block 27 (Reentry Code) of his DD Form 214 from RE-4 to RE-3P.


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 reference being made a part of Petitioner's naval record.

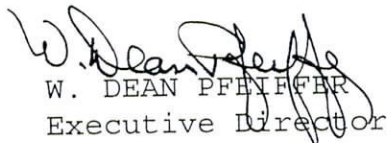
d. That no further relief be granted.

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 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