



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

Docket No. 259-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)
(c) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 w/enclosures
(2) Certificate of Release or Discharge from Active Duty (DD Form 214)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his narrative reason for separation be changed from "Condition, Not a Disability" to "Secretarial Authority" and his reentry code changed from RE-4 to RE-1.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 March 2025. The names and votes of the panel members will be furnished upon request. The allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of the enclosures, relevant portions of the individual's naval record, and applicable statutes, regulations, and policies to included reference (c).

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board, in the interest of justice, waived the statute of limitations and considered the case on its merits.

b. A review of reference (b), reveals Petitioner enlisted in the Navy and entered active duty on 27 June 2007. A memorandum from a clinical psychologist dated 21 August 2008, submitted by counsel, indicates Petitioner's physical therapy for bilateral rotator cuff tendonitis was making it "difficult to work extended hours without causing increased pain or discomfort. That in turn affects his sleep and increases the likelihood of added depressive and anxious symptoms." Additionally, a review of the Report of Medical History conducted at separation indicates he had

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been diagnosed with adjustment disorder. Although reference (b) is incomplete in that it does not contain his administrative separation documentation, Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) indicates he was honorably discharged, on 8 April 2009, by reason of condition, not a disability, and assigned a RE-4 reentry code. See enclosure (2).

c. Petitioner contends his injuries were the direct result of his intense training and "he simply did not have the opportunity to rest and rehabilitate either his body or his mind." Further, he contends he is now "completely recovered, as evidenced by his successful career as a New York Police Department (NYPD) officer and instructor." Additionally, Petitioner contends it "would be a continuing injustice to allow the RE-4 code, which was based on a transitory condition, remain." In support of his request to change his reentry code, he explains he was a promising young Sailor before his surgery, met all standards, was deemed promotable in his first performance evaluation, received an "outstanding" on his departmental dress blue inspection, and performed duties with minimal supervision. Additionally, Petitioner explains he is the 4th generation of his family to serve in the military and "he deeply regrets that his training injuries prevented him from completing his service." Lastly, in support of his requested relief, he contends he is "fully healed" as evidenced by his enrollment at [REDACTED] of Medicine in pursuit of becoming a physician, his service as a NYPD officer while simultaneously earning his bachelor's degree, and his service as an Emergency Medical Technician, a member of the [REDACTED] Medical Emergency Response Unit instructor, and lead medical instructor for the Water Rescue Unit. See enclosure (1).

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board concluded Petitioner's request warrants partial relief. Specifically, the Board observed Petitioner's DD Form 214 at enclosure (2) describes his narrative reason for separation as "Condition, Not a Disability." In keeping with the letter and spirit of current guidance, the Board determined it would be an injustice to label one's discharge as being associated with an adjustment disorder. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness dictates a change. Accordingly, the Board concluded Petitioner's request to change his separation reason to "Secretarial Authority" warranted relief.

However, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant a change to his reentry code in accordance with reference (c). These included, but were not limited to, his desire for continued service, his post-service record, and the contentions discussed above.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined Petitioner's assigned reentry code remains appropriate. The Board was not persuaded by Petitioner's evidence that an injustice exists with his reentry code. In making this finding, the Board noted that Petitioner was likely assigned a RE-4 reentry code based, in part, on his diagnosed adjustment disorder, the associated mental health symptoms, and his resulting unsuitability for further military service. While the Board was impressed by Petitioner's post-discharge accomplishments, they were not persuaded that the

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adjustment disorder that surfaced during his active duty service, in response to his physical difficulties, would not resurface under similar circumstances. The Board noted that Petitioner's service with the New York Police Department but concluded it was sufficiently different from military service¹ to not be able to reliably conclude Petitioner would not be at risk for another adjustment disorder if he should be required to reenter a military environment.

Therefore, while the Board carefully considered the evidence Petitioner submitted in mitigation, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner any additional relief

RECOMMENDATION

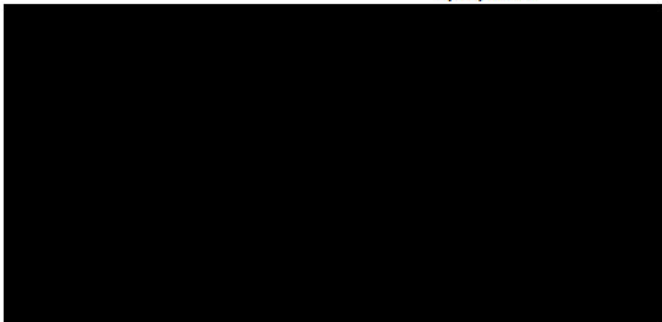
In view of the above, the Board recommends the following corrective action be taken on Petitioner's naval record.

Petitioner shall be issued a new DD Form 214, for the period ending 8 April 2009, indicating his narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

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.

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.

4/15/2025



¹ The Board took into consideration that military service has the potential to be significantly more demanding than civilian police service. Specifically, military personnel serve at the pleasure of their commander and do not have the option to relinquish their military obligations on their own accord. Additionally, military personnel are world-wide assignable and may be subject to frequent, extended deployments away from home. These two main differences, without consideration of many other distinguishing factors, was sufficient to allow the Board to determine that successful service in a civilian police force would not necessarily equate to successful service in a military service; particularly in a case where an individual has a history of experiencing an adjustment disorder in a military environment.