



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

TJR
Docket No: 1189-98
15 October 1999

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
(b) SECNAVINST 1910.4B

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 enlisted member of the United States Navy, filed enclosure (1) with this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Ms. McCormick, Mr. Milner and Mr. Pfeiffer, reviewed Petitioner's allegations of error and injustice on 5 October 1999 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 enlisted in the Navy on 12 July 1994 at the age of 18 and served without disciplinary actions.

d. In May 1997, after undergoing a medical examination, Petitioner was diagnosed with an adjustment disorder with mixed disturbance of emotions and conduct, alcohol abuse, occupational problem, narcissistic personality traits, bilateral knee pain, and nicotine dependence. The evaluation report also noted a lack of motivation and an inability to decrease his use of alcohol.

e. Subsequently, on 15 August 1997, Petitioner was honorably discharged by reason of a personality disorder. At this same time Petitioner was assigned an "RE-3" reenlistment code. This was improper since such a code should have a letter at the end which designates the factor which disqualifies the individual for reenlistment.

f. Separation by reason of a diagnosed personality disorder is proper only if a personality disorder, as defined by the Diagnostic and Statistical Manual (DSM) is diagnosed. An adjustment disorder, according to the DSM, is not a personality disorder. Further, reference (b) does not authorize separation by reason of an adjustment disorder.

g. In accordance with reference (b), an individual may be separated by reason of best interest of the service when separation is appropriate, but no other reason for separation is appropriate. For those separated for this reason, reenlistment codes of RE-R1, RE-1, or RE-4 are authorized.

h. An RE-3G reenlistment code may be assigned to individuals separated due to a condition, not a physical disability, interfering with the performance of duty. This code means that the individual is recommended for reenlistment, except for the disqualifying condition. The code may not bar enlistment, but requires that a waiver be obtained. Recruiting personnel are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver of a reenlistment code is feasible. An individual separated for this reason may also receive an RE-4 reenlistment code, which means that the individual is not recommended for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board notes that Petitioner was diagnosed with an "adjustment disorder" vice a personality disorder. Accordingly, the Board concludes that the reason for separation now of record is improper, and should be changed to best interest of the service. This reason for separation is appropriate when the individual's situation is not covered by any other reason for separation.

Concerning the reenlistment code, the Board notes the command, by assigning the "RE-3" reenlistment code, believe that Petitioner should be recommended for reenlistment, with reservations. The Board further notes that Petitioner was disqualified for reenlistment due to his diagnosed adjustment disorder, a

condition interfering with the performance of his duty. Accordingly, the Board concludes that an RE-3G reenlistment code is the most appropriate reenlistment code for Petitioner even though it is not specifically authorized for an individual separated by reason of best interest of the service.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 August 1997, he was separated by reason of best interest of the service vice by reason of personality disorder on that date.

b. That Petitioner's naval record be further corrected to show that on 15 August 1997, he was assigned an RE-3G reenlistment code.

c. 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.

d. 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.

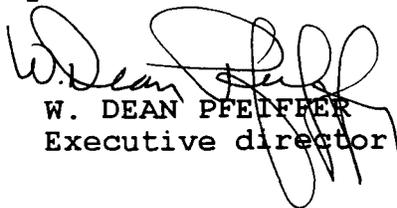
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 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