



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

TJR  
Docket No: 3502-08  
19 February 2009

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552  
(b) SECNAVINST 1910.4B  
(c) BUPERSINST 1900.8C

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 Navy, filed enclosure (1) with this Board requesting that his reenlistment code be changed and that all references to his diagnosed adjustment disorder be removed from the record.

2. The Board, consisting of Mses. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 February 2009 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 enclosure (1) was not filed in a timely manner, it is in the interest of just to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 23 July 1997 at age 19 and served without disciplinary incident. However, his record does reflect an administrative remarks entry which states, in part, that he failed to adapt to a military environment.

d. On 25 August 1997, after undergoing a psychiatric/medical examination, Petitioner was diagnosed with an acute adjustment disorder with mixed anxiety and a depressed mood as evidenced by his extreme depressed feelings, uncontrollable bouts of crying, difficulty adjusting, and suicidal ideation which included slitting his wrist and hanging himself, as well as stealing a car. At that time he was recommended for separation because his acute adjustment disorder was sufficiently severe to impair his ability to function effectively in a military environment.

e. Subsequently, Petitioner was notified of proposed administrative separation action by reason of convenience of the government due to the diagnosed acute adjustment disorder. However, Petitioner's commanding officer, the discharge authority, directed separation by reason of convenience of the government due to performance and conduct.

f. On 5 September 1997 Petitioner was separated with an uncharacterized entry level separation by reason of convenience of the government due to performance and conduct. At that same time, he was assigned an RE-4 reenlistment code due to his diagnosed acute adjustment disorder.

g. Reference (b) does not authorize separation by reason of an adjustment disorder. Reference (c) allows for separation by reason of performance and conduct to recruits assigned to a Recruit Training Command who have demonstrated unsatisfactory performance. However, Petitioner's adjustment disorder is not a reflection of unsatisfactory performance and conduct, which was the reason for his separation as directed by his commanding officer. Reference (c) also allows for separation by reason of "erroneous entry-other" when a Sailor's situation for separation, such as Petitioner's acute adjustment disorder, is not covered by any other reason for separation.

#### CONCLUSION:

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

The Board notes that Petitioner, although diagnosed with an acute adjustment disorder, was erroneously separated by reason of performance and conduct, and concludes that the reason for separation, separation code, and authority for separation should be changed to reflect his situation in accordance with the guidelines of reference (b). In this regard, his record should reflect an "erroneous entry-other" narrative reason for separation, a "JFC" separation code, and separation authority by "MILSPERMAN 3620280." These changes are appropriate when discharge is warranted, but the Sailor's situation, specifically, an adjustment disorder, is not covered by any other reason for separation. The Board also concludes that Petitioner's RE-4 reenlistment code was appropriately assigned given his diagnosed acute adjustment disorder, and therefore it should not be changed.

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 5 September 1997, he was separated by reason of "erroneous entry-other" with a separation code of JFC authorized by MILSPERMAN 3620280 vice the discharge by reason of convenience of the government due to performance and conduct with a separation code of JGA authorized by MILSPERMAN 3630200 actually issued on that date.

b. That no further relief be granted.

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.

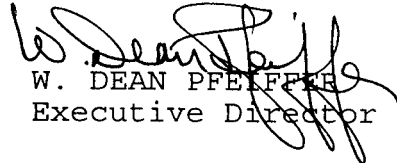
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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

  
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