



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

BAN
Docket No: 10555-08
21 October 2009

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 enlisted member of the United States Navy, filed enclosure (1) with this Board requesting, in effect, that his RE-3M (reduction in force) reenlistment code, reason for separation (released from active duty and transferred to Naval Reserve), and his separation code (MCC) be changed.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 September 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. Petitioner enlisted in the Navy on 9 December 1999, and served without disciplinary incident. However, on 10 April 2007, he was disqualified from submarine duty due to migraine headaches and tremors. Therefore, on 13 July 2007, he was separated from the Naval service with an honorable discharge and an RE-3M reenlistment code. An RE-3G reenlistment code is also authorized.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Petitioner served without disciplinary infractions, and only separated because he had a medical condition that did not allow him to serve on submarines. Further, the Board believes that an RE-3G reenlistment code is authorized by regulatory guidance for individuals who are separated by having a condition that is not a disability. Furthermore, his reason for separation, reduction in force, was not appropriate for why he was ultimately separated. Therefore, the Board concludes that his reason for separation should be changed to "condition, not a disability, and that an RE-3G reenlistment code and a separation code of JFV are more appropriate. In view of the above, the Board recommends the following action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-3M reenlistment code to RE-3G, that the reason for separation be changed to read, "condition, not a disability", and the separation code be changed to JFV vice MCC, which were assigned on 13 July 2007.

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.

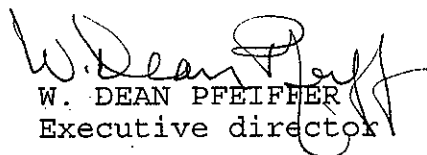
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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