



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

Docket No: 4061-09
4 May 2009

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting her naval record be corrected by changing the reason for discharge and the reentry code she was assigned on 15 January 2009.

2. The Board, consisting of Messrs. [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 April 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 3 December 2008. On 2 January 2009 she was diagnosed with anaphylactic reaction to insect venom. On 15 January 2009 she received an entry level separation by reason of fraudulent entry and was assigned a reentry code of RE-4. She did not have any disciplinary action taken against her during her period of service.

c. An RE-4 reentry code is required if an individual is separated by reason of fraudulent entry. An individual may be separated due to erroneous entry if the enlistment would not have occurred if the relevant facts had been known but there was no fraudulent conduct on the individual's part. Applicable regulations authorize the assignment of either an RE-3E or RE-4 reentry code to an individual separated for erroneous entry.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board believes Petitioner's contention that she did not conceal any medical conditions prior to enlistment. Therefore, the Board concludes that the reason for her discharge should be changed to erroneous entry.

The Board also concludes that the reentry code of RE-3E should be assigned since there is no evidence that Petitioner had any performance problems or disciplinary infractions during her period of service and her record does not otherwise support the more stigmatizing code of RE-4.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 January 2009 she received an entry level separation by reason of erroneous entry and an RE-3E reentry code.

b. That a copy of this Report of Proceedings be filed in 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



JAMES R. EXNICIOS
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