



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

SJN  
Docket No: 2699-14  
17 November 2014

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN,  
[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 Navy, filed enclosure (1) with this Board requesting that his RE-4 (not recommended for reenlistment) reentry code be changed.

2. The Board, consisting of Ms. Trucco, Ms. Tollefson, and Mr. Gattis, reviewed Petitioner's allegations of error and injustice on 4 November 2014 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 and began a period of active duty on 17 April 2013. On 25 July 2013, a recruit mental health evaluation diagnosed him with a depressive disorder, Attention Deficit Hyperactivity Disorder (ADHD), Oppositional Defiant Disorder, and cannabis dependence, all of which existed prior to his enlistment. Subsequently, he was notified of proposed action for an administrative separation by reason of defective enlistment and induction due to fraudulent entry into the Navy. His commanding officer directed separation, and on

15 August 2013, he was discharged with an entry level separation due to his medical conditions. At that time he was assigned an RE-4 reentry code, which means he was not recommended for reenlistment.

d. With his application, Petitioner states, in part, that he was following the orders of his recruiter and had successfully completed basic training. Additionally, he submitted a favorable character reference letter from a retire Air Force Colonel stating, in part, that he had been inappropriately medically cleared during his initial processing, and recommending that if he were to be given an opportunity to serve, would prove to be a productive and worthy Sailor.

CONCLUSION:

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

The record reflects that Petitioner was properly discharged. Specifically, he was diagnosed with a medical condition that existed prior to his entry into the Navy, and was processed for separation by reason of fraudulent entry. Consequently, he was assigned RE-4 reentry. He could have been assigned an RE-8, reentry code, which means that he had a temporary medical condition. However, to allow for the opportunity for further service, the Board concludes that the record should be corrected to show he received an RE-8 reentry code. The RE-8 reentry code may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for reviewing the feasibility of satisfying the Navy's personnel manning goals by determining whether or not an individual meets the standards for reenlistment. If he wishes to reenlist, re-affiliate, or be reinstated in the Navy, he should contact the Navy Recruiting Command via his nearest recruiting facility. In view of the above, the Board recommends the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 August 2013, he was assigned an RE-8 reentry code vice the RE-4 actually issued on that date.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 17 December 2013.

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.



T.J. REED  
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.



ROBERT J. O'NEILL  
Executive Director