



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

TRG
Docket No: 26-01
15 June 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(2) 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 that his record be corrected to show a better reenlistment code than the RE-2 reenlistment code assigned on 20 September 1999.

2. The Board, consisting of Mr. Ensley, Mr. Pfeiffer and Mr. Cooper, reviewed Petitioner's allegations of error and injustice on 5 June 2001 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, a college graduate, enlisted in the Navy on 23 June 1998 at age 28. In the performance evaluation for the period 23 June 1998 to 15 July 1999, Petitioner's individual trait average was 3.67 with recommendation of "must promote" and for retention. On 20 September 1999, he was honorably discharged. The narrative reason for discharge is "accept commission or warrant in another branch of service" with a separation program designator (SPD) code of "KGN". The only authorized reenlistment code for this reason for discharge is RE-2.

d. Petitioner entered Marine Corps Officer Candidate School

on 3 October 1999. He was disenrolled due to unsatisfactory performance on 3 November 1999.

e. On 21 December 2000, the Navy Recruiting Command denied Petitioner's request for a waiver of the RE-2 reenlistment code and advised him to apply to this Board if he believed the code was assigned in error.

f. The Board notes that Petitioner was not discharged to accept a commission but was discharged to enter an officer training program, which is a separate reason for discharge. However, both reasons require the assignment of an RE-2 reenlistment code. The Board is aware that regulations also allow for the discharge of an individual with a narrative reason for discharge of "intradepartmental transfer", with an SPD code of KGQ, when an individual transfers from one service component to another in the same DOD component, i.e. USN to USNR or USMC to USMCR. The regulations also allow the release or transfer of an individual with a narrative reason of separation of "interdepartmental transfer", with an SPD code of MGP, when an individual transfers from one DOD component to another, i.e. USN to USA or, in this case, USN to USMC. An RE-1 reenlistment code is authorized with either of these reasons for separation.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes his excellent record in the short period of service and his desire to serve in the Navy, which is being prevented by the RE-2 reenlistment code. The Board believes that the regulations, which allow no consideration for a waiver in cases such as this, are too restrictive. Therefore, the Board concludes that no useful purpose is now served by the RE-2 reenlistment code and it should be changed to RE-1.

Rather than change the reenlistment code as an exception to policy, the Board believes that the best way to correct the record is to change the narrative reason and SPD code to one that allows the assignment of an RE-1 reenlistment code. Since the Navy and Marine Corps are a part of the Department of the Navy, the Board concludes that a narrative reason of intradepartmental transfer, SPD code KGQ, is closer to the facts of this case than the narrative reason of interdepartmental transfer.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the change in the reason for discharge, SPD code, and reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 20 September 1999 he was honorably discharge by reason of intradepartmental transfer, SPD code KGQ, with an RE-1 reenlistment code vice the narrative reason, SPD code, and reenlistment code now of record.

b. That 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



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 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