



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

ELP  
Docket No. 380-01  
7 June 2001

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 w/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, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Dunn, Carlsen, and Beckett reviewed Petitioner's allegations of error and injustice on 6 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. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner reenlisted in the Navy on 15 November 1994 for three years as a BU3 (E-4). At the time of his reenlistment, he had completed nearly five years of prior active

service. Petitioner twice extended his enlistment for a total of 14 months and was advanced to BU2 (E-5) on 16 December 1997.

d. Petitioner was assigned an adverse mark of 1.0 in the trait of "military bearing" on the Evaluation Report and Counseling Record for the period ending 11 January 1999. The evaluation noted that Petitioner had failed to meet body fat standards on his physical readiness test for the third time in a four year period, and was not recommended for retention. On 13 January 1999, Petitioner was honorably discharged by reason of weight control failure and assigned an RE-4 reenlistment code. He had no disciplinary actions in more than nine years of active service and his overall performance was consistently rated as "meets standards."

e. Regulations authorize the assignment of an RE-3T or RE-4 reenlistment code to individuals discharged by reason of weight control failure. An RE-3T reenlistment code means that the individual is recommended for reenlistment except for the disqualifying factor of failure to meet weight standards. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval from the Commander, Navy Personnel Command.

#### 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 notes that Petitioner had no disciplinary actions in more than nine years of active service, his performance was consistently rated as meeting standards, and he was not recommended for retention only because he failed to meet weight control standards. The Board believes that assignment of the most restrictive RE-4 reenlistment code was unduly harsh and he should not be denied an opportunity reenlist at a future date if he can meet Navy weight standards and is qualified in all other respects. Accordingly, the Board concludes that it would be appropriate and just to change his reenlistment code to RE-3T.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 13 January 1999, to RE-3T.

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 references being made a part of Petitioner's naval record.

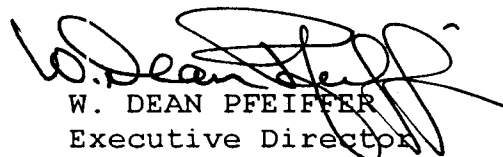
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



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