



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

TRG
Docket No: 4085-01
7 August 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
(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 that his record be corrected to show a better reenlistment code than the RE-2 reenlistment code assigned on 26 October 2000.

2. The Board, consisting of Mr. Taylor, Mr. Novello and Ms. Hardbower, reviewed Petitioner's allegations of error and injustice on 31 July 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 was honorably discharged on 26 October 2000. 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. The program he entered was the Army Warrant Officer Flight Training (WOFT) program.

d. Petitioner states that he graduated with honors from Warrant Officer Candidate Training and completed the primary portion of flight training with a 98% average. However, he became disenchanted with the WOFT program and regretted leaving

the Navy. Therefore, he requested to be dropped from the program and he is now awaiting discharge from the Army. He is being denied reenlistment in the Navy because of the RE-2 reenlistment code, which will not be waived by the Navy Recruiting Command. He contends that there are other reasons for discharge which more accurately fit the circumstances of his case, and which allow the assignment of an RE-1 reenlistment code.

e. 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 "interdepartmental transfer", with an SPD code of MGP, when an individual transfers from one DOD component to another, i.e. Navy to Army. An RE-1 reenlistment code is authorized for an individual separated for this reason.

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 and his desire to again 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 an interdepartmental transfer has occurred, the Board concludes that a narrative reason of interdepartmental transfer, SPD code MGP is appropriate.

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 26 October 2000 he was honorably discharged by reason of interdepartmental transfer, SPD code of MGP, 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.

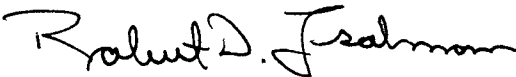
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



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.



FR W. DEAN PFEIFFER
Executive Director