



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

TRG  
Docket No: 6726-01  
15 November 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) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy filed an application with this Board requesting that his record be corrected to show a better reenlistment code than the RE-4 code assigned on 28 December 1995.

2. The Board, consisting of Mr. Novello, Mr. Taylor and Mr. Pfeiffer, reviewed Petitioner's allegations of error and injustice on 6 November 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. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 4 February 1992 at age 18. His enlisted performance record (page 9) shows that during his service he was not assigned any marks below 3.8. On 16 September 1994 he was advanced to MM3 (E-4). The page 9 shows that for the evaluation period 15 July 1994 to 15 December 1995, he was assigned marks of 3.8 in every category. However, page 9 entries dated 15 December 1995 indicate that he was not recommended for advancement or reenlistment. He was released from active duty on 28 December 1995 with his service characterized as honorable and was subsequently issued an

honorable discharge at the end of his military obligation.

d. Petitioner states in his application that he believes that he was assigned the RE-4 reenlistment code because he failed the last physical readiness test (PRT) prior to his release from active duty. He states that he is now physically fit and desires to serve in the Navy.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that there is no documentation in the record to support the assignment of the RE-4 reenlistment code. In addition, he was assigned a mark of 3.8 in the category of military bearing in his last performance evaluation, which does not support his belief that he was not recommended for reenlistment because of a PRT failure. Given his overall excellent record and the absence of any documentation to support the assignment of the RE-4 reenlistment code, the Board concludes that no useful purpose is now served by that code and it should be changed to an RE-1 reenlistment code.

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 reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 28 December 1995 he was assigned an RE-1 reenlistment code vice the RE-4 reenlistment code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

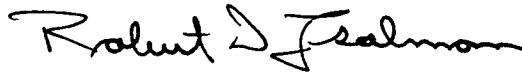
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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.



For W. DEAN PFEIFFER  
Executive Director