



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

TRG  
Docket No: 7625-01  
6 March 2002

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 Navy filed enclosure (1) with this Board requesting that his record be corrected to show a better reenlistment code than the RE-4 reenlistment code now of record.

2. The Board, consisting of Mr. Lippolis, Mr. Geisler and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 26 February 2002 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 21 July 1994 at age 18. During the period from 19 April 1996 to 25 April 1997 he failed to meet the weight standards on three occasions. In the performance evaluation for the period 16 January 1997 to 15 July 1997, he was assigned a mark of 1.0 in the category of military bearing/character and was not recommended for retention or promotion. The evaluation comments state that the adverse mark was assigned because of his weight control failure. However, the

comments also state that he was an integral part of his division and he accomplished all tasks with little or no supervision.

d. On 17 November 1997 Petitioner was notified of discharge processing by reason of weight control failure. In connection with this processing, he elected to waive his procedural rights. On 20 November 1997, the commanding officer directed an honorable discharge by reason of weight control failure stating that "he has the potential to become an outstanding sailor". Petitioner was honorably discharged on 4 December 1997. At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. Regulations allow for the assignment of an RE-3T or an RE-4 reenlistment code when an individual is discharged by reason of weight control failure.

#### 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 Petitioner served in an excellent manner for over three years and the only reason for his discharge was weight control failure. Given the circumstances, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and it should now be changed to the less restrictive RE-3T code. This code will alert recruiters that there is a problem which must be resolved before reenlistment can be authorized.

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 to show that that on 4 December 1997 he was assigned an RE-3T 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