



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

TRG
Docket No: 6122-01
7 February 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) 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 a change in the RE-4 reenlistment code assigned on 30 October 1995.

2. The Board, consisting of Mr. Neuschafer, Mr. McPartlin and Ms. Humberd, reviewed Petitioner's allegations of error and injustice on 29 January 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 reenlisted in the Navy for four years on 31 October 1991. At that time, he had completed about three and a half years of active service. The record shows that he served without incident until 4 February 1993 when he received nonjudicial punishment (NJP) for an unspecified violation of Article 92, Uniform Code of Military Justice.

d. The enlisted performance record (page 9) shows that in the four evaluations after the NJP Petitioner received no marks below 3.0 in any category and the lowest overall evaluation was 3.2. In the evaluation for the period ending 30 June 1995 he was

assigned marks of 3.8 in rate knowledge, 3.2 in reliability, 3.6 in military bearing, and 3.8 in personal behavior. The overall evaluation was 3.6. In the next evaluation, for the period ending 30 October 1995, he was assigned marks of 3.8 in rate knowledge, 3.0 in reliability, 3.6 in military bearing, and 3.4 in personal behavior. The overall evaluation was 3.2.

e. Petitioner was honorably discharged on 30 October 1995 at the expiration of his enlistment. He was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

f. Petitioner has submitted evidence showing that his request for a six-month early discharge was approved. He states that he then changed his mind and accepted orders to Diego Garcia. He then changed his mind again, refused the orders, and elected to be discharged at the expiration of his enlistment. He contends that this action made his command very unhappy and was the sole reason for the assignment of the RE-4 reenlistment code. He blames the RE-4 reenlistment code for his inability to obtain good jobs and to enter the Naval Reserve.

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 the actual performance evaluations which would explain the assignment of the RE-4 reenlistment code are unavailable and only the marks are set forth on the page 9. However, the evaluation marks entered on the page 9 are not adverse and do not support the assignment of that code. The lowest mark assigned was a 3.0 in reliability, which may have been related to his refusal of orders. Given his overall good record and the absence of any adverse marks in the performance evaluation, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and it should now 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 to show that on 30 October 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.



W. DEAN PFEIFFER
Executive Director