



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

TRG
Docket No: 2338-03
12 September 2003

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, an enlisted member in the Naval Reserve, filed an application with this Board requesting that his record be corrected to show that he was assigned an RE-1 reenlistment code vice the RE-4 reenlistment code now of record.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 3 September 2003 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 was filed in a timely manner.

c. Petitioner enlisted in the Naval Reserve on 23 July 1996 and reported for extended active duty on 26 June 1997. He then served in an excellent manner for over three years. On 22 August 2000 he reported aboard the [REDACTED]. The performance evaluations covering the period from 22 August 2000 to 15 March 2002 are excellent with individual trait averages (ITA's) of 4.14 and 3.86, respectively. The record shows that during this period he was awarded two Navy Achievement Medals. His last performance evaluation for the period ending 25 August 2002 is adverse. Petitioner was honorably released from active duty on 25 August 2002 with an RE-4 reenlistment code.

d. In the performance evaluation for the period 16 March

to 25 August 2002 he was assigned adverse marks of 1.0 in three categories and the ITA was 1.96. The evaluation states that he had failed the physical readiness test (PRT) on three occasions, and was not within weight standards. The evaluation comments also state that Petitioner required constant supervision, produced below average work, failed to qualify as an enlisted surface warfare specialist within the required time. The evaluation was signed by the executive officer on 2 September 2002, after Petitioner was released from active duty.

e. Petitioner states in his application that he left the ship in [REDACTED] without the commanding officer and executive officer signing his check out sheet because they were ashore. Since he had already signed his evaluation showing an RE-1 reenlistment code and the DD Form 214, he left the ship without waiting for them to return. He could not wait any longer or he would have missed his flight to the United States. Subsequently, he discovered that the commanding officer and executive officer were angry and considered him to be an unauthorized absentee. He immediately reported to the destroyer squadron for assistance and was informed that since he had separation orders, he could not be an unauthorized absentee. He then received the adverse performance evaluation and DD Form 214 in the mail.

f. Regulations allow for the assignment of an RE-3T or an RE-4 reenlistment code when an individual does not meet the weight standards and fails the PRT.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board considered his record of excellent service from 26 June 1997 until 15 March 2002, which included two excellent evaluations from different reporting seniors on board the [REDACTED] and two Navy Achievement Medals. Further, the adverse performance evaluation was not dated until after he was released from active duty and was not signed by Petitioner. This lends credence to Petitioner's contention that the evaluation was changed after he left the ship. Given his overall good record and the other circumstances, the Board concludes that the assignment of the RE-4 reenlistment code was inappropriate. However, given his PRT failures and failure to meet weight standards, the Board concludes that an RE-1 reenlistment code is not warranted and the reenlistment code should be changed to RE-3T.

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 reasons for the change in the

reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 25 August 2002 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.



W. DEAN PFEIFFER
Executive Director