



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

Docket No: 10137-05  
28 March 2007

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 reenlistment code be changed.
2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 March 2007 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 Navy on 1 August 1996 at age 17 and subsequently reenlisted. During the period from 13 November 2002 to 16 July 2004 he received adverse performance evaluations. The evaluation for the period ending 15 July 2003 indicates that he had failed the physical fitness assessment (PFA) and he was assigned an adverse mark of 1.0 in the category of military bearing/character. The individual trait average (ITA) was 2.67 and he was not recommended for promotion or retention in the Navy. The evaluation comments state, in part, as follows:

- Advancement recommendation withdrawn due to four PFA failures in the four year period starting 1 May 2000.

- (He) is an extremely reliable, responsible and conscientious corpsman. ....

d. The evaluation for the period 16 July 2003 to 16 July 2004 indicates that Petitioner failed the PFA and was not within weight standards. He was again assigned an adverse mark of 1.0 in military bearing/character. The ITA was 3.0 and he was not recommended for promotion or retention in the Navy. The evaluation comments state, in part, as follows:

- Always produces exceptional work with minimal supervision. Hardworking and seeks extra responsibilities.

- Failed to meet the minimum body composition standards  
- failed the run/walk in the spring 2004 PFA cycle.

e. On 31 July 2004 Petitioner was honorably discharged by reason of nonretention on active duty with an RE-4 reenlistment code. Since he had not been recommended for promotion he was still serving in paygrade E-3. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. Petitioner is apparently living in Okinawa, Japan. He states that he is being denied employment at the naval hospital because the RE-4 reenlistment code is preventing him from receiving the approval for employment required under the Status of Forces Agreement.

f. The Board is aware that when the narrative reason for discharge is nonretention on active duty, the only authorized codes are RE-3M, RE-4 or RE-6. As indicated, Petitioner was assigned an RE-4 reenlistment code and the other two codes do not fit the circumstances of his situation. However, the regulation that became effective on 10 May 2005 authorized an RE-3F reenlistment code to individuals who are denied reenlistment denied reenlistment because of PFA failures.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Clearly, Petitioner is a well qualified corpsman who was only denied reenlistment because of PFA failures. There was certainly no intent that the code prevent him from being employed at a position for which he is otherwise qualified. Therefore, the Board concludes that a change in the reenlistment code is appropriate. Although the RE-3F reenlistment code did not become effective until after Petitioner's discharge, the Board concludes

that since it accurately reflects the facts of the case, it should now be assigned as an exception to the policy which was in effect at the time of his discharge.

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 assignment of the RE-3M reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 showing that on 31 July 2004 he was assigned an RE-3M reenlistment code vice the RE-4 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