



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5106

CRS  
Docket No: 1497-06  
28 September 2006

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  
(b) NAVMILPERSCOMINST 1900.1B

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, in effect, that his naval record be corrected to show a change in the RE-4 reenlistment code assigned on 19 September 2003.

2. The Board, consisting of [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 August 2006 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 20 September 1998. He was advanced to aviation boatswain mate third class (ABF3; E-4) and was awarded a Good Conduct Medal and a Navy and Marine Corps Achievement Medal.

d. On 31 August 2003, Petitioner received a special evaluation for the purpose of removing his advancement recommendation. The evaluation assigned a marginal mark of 2.0 in the marking category of military bearing and character, and a marginal overall trait average of 2.71. The evaluation also gave

a promotion recommendation of "significant problems". Further, he was not recommended for retention. This evaluation covered a period of about 76 days.

e. On 19 September 2003 Petitioner was honorably released from active duty and transferred to the Navy Reserve. At that time, he was assigned a reenlistment code of RE-4.

f. Petitioner has submitted documentation to show that he is now a firefighter at Naval Activity, Puerto Rico, and has taken several college courses.

g. Enclosure (2) to reference (b) states that an individual who is released from active duty and not recommended for retention must be assigned a reenlistment code of RE-4. An RE-1 reenlistment code means that an individual is fully qualified to be reenlisted based on the needs of the service.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board believes that given his prior record of service, Petitioner's last evaluation, covering less than three months, should not be the controlling factor in assigning his reenlistment code. The Board also notes Petitioner's excellent post-service adjustment. Accordingly, even though Petitioner's RE-4 reenlistment code was assigned in accordance with regulations, the Board believes that assignment of that reenlistment code was unfair, and an RE-1 reenlistment code would be more appropriate.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 19 September 2003, to RE-1.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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