



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

SJN

Docket No: 07226-06
5 February 2007

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 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, applied to this Board requesting a change in his reenlistment code.
2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 January 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. Although 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 4 February 1982 at age 19. During his first four years of service, he was advanced to petty officer third class (YN3; E-4) and was awarded the Good Conduct Medal. However, during the period from 1 July 1986 to 30 November 1987, his performance deteriorated, as shown by two enlisted evaluations which rated him a marginal 3.2 overall, and assigned marginal adverse marks in the category of rate knowledge, reliability and directing.

d. On 14 December 1987, Petitioner signed an administrative remarks entry (NAVPERS 1070/613) stating that his performance continued to be substandard as a YN3 and had shown little or no improvement in the execution of routine rating tasks in spite of counseling from his chain-of-command. The entry also stated that he had made a sincere effort, but did not possess the necessary skills to be an effective Yeoman. At that time he was counseled that he would not be recommended for reenlistment. Accordingly, on 2 February 1988, at the expiration of his enlistment, he was honorably discharged and assigned an RE-4 reenlistment code.

e. With his application, Petitioner states that he was young and needed help and guidance that he did not receive. He believes that his command "did not go the extra mile" to help him.

MAJORITY CONCLUSION:

Upon review and consideration of all the evidence of record, a majority of the Board, consisting of Ms. Guill and Mr. Haney, concludes that Petitioner's request warrants favorable action.

In reaching its conclusion, the majority particularly notes Petitioner's youth and time in service and concludes that based on his six years of service without any disciplinary infractions, during much of which his performance was satisfactory, assignment of the RE-4 reenlistment code was unduly severe. The majority believes that Petitioner could have been given an opportunity to be assigned to a different rating. Accordingly, the interests of justice would better be served by assigning him an RE-1 reenlistment code.

MAJORITY RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 2 February 1988 Petitioner was issued a RE-1 reenlistment code vice the RE-4 reenlistment code actually issued on that date.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 21 January 2007.

MINORITY CONCLUSION:

Mr. ████████ disagrees with the majority and concludes that Petitioner's request does not warrant favorable action.

The minority member relies primarily on the fact that Petitioner was counseled by his chain-of-command and given plenty of time and opportunity to correct his performance and rate knowledge. Since he was not doing his job as a yeoman, the non-recommendation for retention by the commanding officer was warranted. Therefore, the RE-4 reenlistment code was proper and appropriate.

In view of the foregoing, the minority finds no injustice warranting corrective action.

MINORITY RECOMMENDATION:

That Petitioner's request be denied.

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. The foregoing action of the Board is submitted for your review and action.



W. DEAN PFEIFFER

MAJORITY REPORT APPROVED:

 2/12/07

MINORITY REPORT APPROVED:

Robert T. Call
Assistant General Counsel
(Major and Reserve Affairs)