



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

JRE  
Docket No. 00813-07  
6 May 2008

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

Subj: FORMER [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he received a more favorable reentry code than RE-4, and that he was discharged by reason of physical disability. He contends that he should have been discharged because of the residuals of a fractured wrist, which required three surgeries and has left him with an implanted metal rod, a fused wrist, and greatly diminished strength and mobility in the wrist. He states that he forced himself into a high year tenure status so that he could get out of the Navy for his health and safety, and was unfairly assigned a reentry code of RE-4.
2. The Board, consisting of Messrs. W. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 April 2008 and pursuant to its regulations, determined that the partial 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 sustained a left wrist fracture prior to enlisting in the Navy. He enlisted on 21 July 2000, and shortly thereafter he fell and re-fractured his wrist, which required extensive treatment and several periods of limited duty. He underwent a pre-separation physical examination on 5 January 2006 and was found physically qualified for separation. He was released from active duty and transferred to the Navy Reserve on 20 July 2006, by reason of nonretention on active duty, as he was serving in grade E-3 and had completed six years of active service. He was assigned a reentry code of RE-4 because his commanding officer had withdrawn the recommendation for his advancement and retention on 20 July 2006. Despite the action of Petitioner's commanding officer, Petitioner was required to enlist in the Navy Reserve as a prerequisite to receiving separation pay.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner has failed to submit sufficient relevant evidence to demonstrate that he was unfit for duty by reason of physical disability at the time of his separation by reason of nonretention on active duty. As noted above, he was examined and found physically qualified for separation.

The Board concludes further that although Petitioner was properly assigned a reentry code of RE-4, it would be in the interest of justice, as an exception to policy, to assign him a code of RE-6, which is less stigmatizing than a code of RE-4. It is assigned to Sailors such as Petitioner who are ineligible for or denied reenlistment due to high year tenure.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

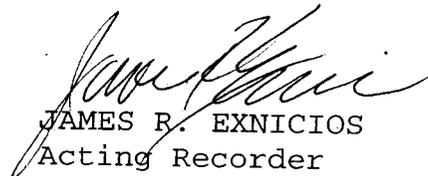
a. That Petitioner's naval record be corrected to show, as an exception to policy, that he was assigned a reentry code of RE-6 on 20 July 2006, vice the code of RE-4 he actually received on that date.

b. That no further relief be granted

c. That a copy of 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



JAMES R. EXNICIOS  
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