



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

TJR  
Docket No: 7037-07  
6 May 2008

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  
(b) OPNAVINST 1160.5C  
(c) BUPERSINST 1900.8A

Encl: (1) DD Form 149 with 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 that his reenlistment code and narrative reason for separation be changed so that he may reenlist.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 May 2008 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 it appears that enclosure (1) 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 reenlisted in the Navy on 22 December 1992 after nearly three years of prior honorable service. He continued to serve without disciplinary incident and was advanced to paygrade E-4.

d. Petitioner was awarded a National Defense Service Medal, Sea Service Deployment Ribbon with one star, Good Conduct Medal, Southwest Asia Service Medal with two stars, Kuwait Liberation Medal, and an Armed Forces Expeditionary Medal.

e. Petitioner submitted a written request for an administrative separation due to being a conscientious objector as evidenced by his religious beliefs and opposition to war. At that time he acknowledged nonentitlement to benefits administered by the Department of Veterans Affairs if discharged by reason of conscientious objection.

f. On 9 January 1995 the discharge authority, Bureau of Naval Personnel (BUPERS), approved Petitioner's application for separation and directed the assignment of an RE-3C or RE-4 reenlistment code.

g. On 13 January 1995 Petitioner was honorably discharged by reason of conscientious objection, and assigned an RE-4 reenlistment code.

h. In his application, Petitioner states, in part, that his religious beliefs have changed and that he would like to reenlistment in the armed forces.

i. Reference (b) authorizes the issuance of an RE-4 reenlistment code to Sailors, serving in paygrade E-4, who are separated by reason of conscientious objection. The assignment of an RE-4 reenlistment code under these circumstances means that a Sailor is not eligible or recommended for reenlistment. However, reference (c), authorizes the issuance of an RE-3C reenlistment code for a Sailor, such as Petitioner, under the same circumstances.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial favorable action.

The Board's decision is based on Petitioner's overall satisfactory service in which he served without disciplinary infractions, and received numerous medals.

Although Petitioner was assigned an RE-4 reenlistment code, the Board believes that this code was based solely on his request for separation due to his religious beliefs. Since BUPERS authorized an RE-3C reenlistment code at the time of Petitioner's discharge, and his record does not reflect a nonrecommendation for reenlistment, the Board believes that an RE-3C is now the most

appropriate reenlistment code for his situation. Accordingly, the record should be corrected to show that he was assigned such a code.

The Board further notes that Petitioner was properly separated by reason of conscientious objection, as per his request, and concludes that this reason should not be changed.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned an RE-3C reenlistment code on 13 January 1995 vice the RE-4 reenlistment code actually assigned on that date.

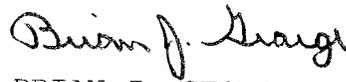
b. That no further relief be granted.

c. 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.

d. 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

  
BRIAN J. GEORGE  
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 Regulation, 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.

  
For W. DEAN PFEIFFER  
Executive Director