



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

SJN
Docket No: 09219-07
17 September 2008

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

Subj: REVIEW OF NAVAL OF RECORD EX [REDACTED]

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

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 a change in his RE-4 reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 9 September 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 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 enlisted in the Navy on 15 January 1991 at age 20. Based on the information currently contained in his record it appears that on 2 February 1996, Petitioner received nonjudicial punishment for an unknown offense. Although the record reflects that he was discharged due to failure of the Physical Readiness Test (PRT), he was advanced to petty officer third class and his evaluations reflect generally satisfactory performance.

d. On 15 February 1996, Petitioner was honorably discharged from active duty and assigned an RE-4 reenlistment code.

e. With his application, Petitioner states that he wants to enlist in the Army, and understands that the Army has physical fitness requirements in order to enlist. In this regard, the reenlistment code of RE-4 means that he is not recommended for reenlistment. However, he could have been assigned a code of RE-3F, meaning that he failed the PRT.

CONCLUSION:

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

In view of Petitioner's overall record of military service, including five years of service with what appears to be only one disciplinary action, because he was advanced in rate to third class petty officer, and received a Good Conduct Medal, the Board concludes that no useful purpose is served by assignment of the most restrictive reenlistment code of RE-4, and assignment of the RE-3F code more accurately reflects the quality of his service.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 February 1996, Petitioner was issued a RE-3F 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 11 October 2007.

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.



W. DEAN REIFFER
Executive Director