



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

SJN
Docket No: 00078-08
11 December 2008

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

Subj: REVIEW OF NAVAL OF RECORD E [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 Ms. [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 December 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy and began a period of active duty on 22 July 1996 at age 19. Although the record reflects that he failed the physical fitness assessment (PFA) test on four occasions, he was advanced to petty officer second class, his evaluations reflect generally excellent performance, and he received three Good Conduct Medals.

d. On 9 March 2006, Petitioner signed an enlisted performance evaluation for the period 16 March 2004 to 15 March 2005 in which he was not recommended for advancement or retention. That evaluation assigned adverse marks in the category of military bearing, but satisfactory marks in all other

categories. The evaluation also notes that he failed four PFA's in a four year period and had been compliant with the command's Fitness Enhancement Program.

e. On 8 September 2006, Petitioner was honorably discharged from active duty. At that time he was assigned an RE-4 reenlistment code.

f. With his application, Petitioner states that the reenlistment code assigned by his command was only because of his PFA failures. In this regard, he could have been assigned a code of RE-3F, meaning that he repeatedly failed the PFA.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action based on Petitioner's overall record of military service, including over 10 years of service with no disciplinary infractions. Further, he was advanced in rate to second class petty officer, and received three Good Conduct Medals. The Board therefore 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:

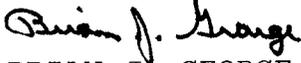
a. That Petitioner's naval record be corrected to show that on 8 September 2006, Petitioner was issued a RE-3F reenlistment code vice the RE-4 reenlistment code actually issued on that date.

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 31 December 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 PFEIFFER
Executive Director