



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

CRS
Docket No: 4150-08
26 June 2008

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting his naval record be corrected by changing the reentry code he was assigned on 6 June 2006.

2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 June 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. Petitioner enlisted in the Navy Reserve on 22 November 2005. On 20 April 2006 he received nonjudicial punishment for failure to go to appointed place of duty.

c. On 19 May 2006 the commanding officer (CO) directed separation by reason of defective enlistment agreement. The CO stated that Petitioner did not knowingly participate in the defective enlistment. He was told that after recruit training he was going to medical school. On 6 June 2006 he received an entry level separation by reason of defective enlistment agreement and was assigned a reentry code of RE-4.

d. Applicable directives authorize the assignment of an RE-1 or RE-4 reentry code to an individual separated for the above reason.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board concludes that the reentry code of RE-1 should be assigned since there is no evidence that Petitioner was guilty of the defective enlistment and his record does not otherwise support the more stigmatizing code of RE-4.

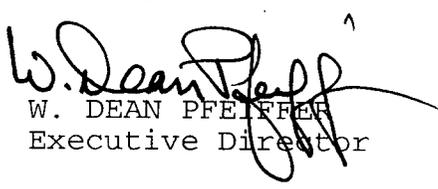
RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 6 June 2006, Petitioner was assigned an RE-1 reentry code instead of the RE-4 reentry code actually assigned on that date.
 - b. 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