



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

TJR
Docket No: 5358-08
19 February 2009

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

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 be changed.

2. The Board, consisting of Mses. [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 February 2009 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 Naval Reserve on 23 January 1997 at age 19 and began a period of active duty on 7 May 1997.

d. After serving a year without disciplinary incident, Petitioner received nonjudicial punishment on 15 May 1998 for absence from his appointed place of duty, failure to obey a lawful order, larceny, and an unspecified offense. The punishment imposed was restriction and extra duty for 14 days, a \$235 forfeiture of pay, and a suspended reduction in paygrade.

d. Petitioner's record contains a separation performance evaluation which states, in part, that he was not recommended for retention as a result of high year tenure.

e. After serving for eight years, on 3 June 2005, Petitioner, while serving in paygrade E-4, was honorably discharged at the expiration of his enlistment and assigned an RE-4 reenlistment code.

f. Under current regulations an RE-6 reenlistment code may be assigned to Sailors separated due to high year tenure or at the expiration of an enlistment. This code means that the Sailor was not retained or permitted to reenlist solely because of high year tenure. This code may not bar reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver of a reenlistment code is feasible. A Sailor separated for either of these reasons may also receive an RE-4 reenlistment code, which means that the Sailor is not recommended for reenlistment.

CONCLUSION:

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

The Board notes and does not condone Petitioner's disciplinary infractions, but concludes that his overall performance following this incident was otherwise satisfactory and warranted an honorable discharge. The Board further notes that the sole reason for the assigned RE-4 reenlistment code was due to Petitioner's high year tenure and as such he was not recommended for retention. In this regard, the Board concludes that under current regulations an RE-6 reenlistment code is authorized by regulatory guidance and may be assigned to a Sailor in Petitioner's situation. Accordingly, given Petitioner's otherwise satisfactory record, the Board concludes that an RE-6 reenlistment code is more appropriate than the RE-4 now of record.

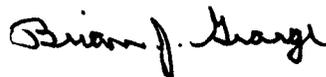
RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 3 June 2005, to RE-6.

b. 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.

c. 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.



W. DEAN PFEIFFER
Executive director