



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

Docket No: 7289-08
27 October 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 upgrading his entry level separation and changing the reentry code he was assigned on 15 October 2007.

2. The Board, consisting of Ms. [REDACTED], Ms. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 October 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 on 25 July 2007, and served until 15 October 2007, when he received an entry level separation by reason of erroneous enlistment. He was assigned a reentry code of RE-4.

c. Applicable directives authorize the assignment of a reentry code of RE-3E or RE-4 to an individual separated by reason of erroneous enlistment.

d. An entry level separation is assigned to individuals who are processed for separation while in an entry level status, i.e., the first 180 days of service. A characterized separation may be assigned in those cases where it is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of the individual, and approved by the Secretary of the Navy on a case-by-case basis.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial relief. The Board concludes that the reentry code of RE-3E should be assigned since there is no evidence that Petitioner had any disciplinary infractions during his period of service and his record does not otherwise support the more stigmatizing code of RE-4.

With regard to the issue of characterization of his service, the Board was not persuaded that unusual circumstances involving personal conduct and performance warranting a characterized separation are present in this case.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 October 2007, Petitioner was assigned an RE-3E reentry 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.

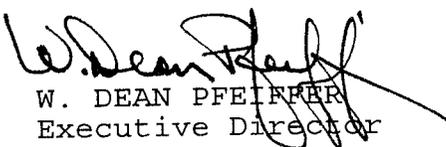
c. That no further relief be granted.

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