



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

SJN
Docket No: 07364-08
16 June 2009

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

Subj: REVIEW OF 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 a change in his RE-4 reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 10 June 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. 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 and began a period of active duty on 14 November 1988 at age 18. She served without incident for over five years until 28 October 1994, when she was assigned to a remedial physical fitness program. Although the record reflects that she failed the physical readiness test (PRT) on three occasions, she was advanced to petty officer third class and her evaluations reflect generally excellent performance. On 31 July 1995, Petitioner was honorably discharged from active duty and assigned an RE-4 reenlistment code.

d. With her application, Petitioner states that she was discharged because of her failure to maintain weight standards, but wants to reenlist. In this regard, the reenlistment code of RE-4 means that she is not recommended for reenlistment. However, she could have been assigned a code of RE-3F, meaning that she failed the PRT on three or more occasions.

CONCLUSION:

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

In this regard, the Board notes Petitioner's overall record of military service, including over six years of service without any disciplinary action. Further, she was advanced in rate to third petty officer. The Board therefore concludes that no useful purpose is served by assignment of the most restrictive reenlistment code of RE-4, and the RE-3F code more accurately reflects the quality of her service.

RECOMMENDATION:

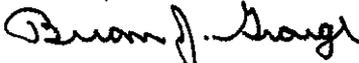
a. That Petitioner's naval record be corrected to show that on 31 July 1995 Petitioner was issued a RE-3F reenlistment code vice the RE-4 actually issued on that date.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

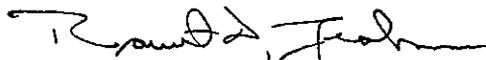
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 30 July 2008.

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