



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

TRG  
Docket No: 9276-07  
4 December 2008

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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, a member of the Navy Reserve, filed an application with this Board requesting that her RE-4 reenlistment code be changed and/or that she be reinstated to active duty to qualify for retirement.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 November 2008 and, pursuant to its regulations, determined that the limited 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's application was filed in a timely manner.

c. Petitioner was honorably discharged from the Regular Navy on 24 March 1998 with 10 years of active service. At that time, she was assigned a reenlistment code of RE-6 and received separation pay of \$17,204.40. She was denied further active service and assigned the RE-6 reenlistment code because she had reached the service limitations for individuals serving in paygrade E-4.

d. On 25 March 1998 she enlisted in the Navy Reserve and earned three consecutive qualifying years for reserve retirement purposes. Subsequently, during the period from 24 July 2001 to 3 July 2005, she completed two periods of extended active duty totaling about two and one half years. On 7 April 2005, she reenlisted in the Navy Reserve for six years.

e. On 14 July 2005 Petitioner reported for another period of extended active duty and remained on active duty for several years. A statement of service for reserve retirement purposes shows that at the end of her anniversary year on 24 March 2007 she was credited with 19 years of qualifying service for reserve retirement purposes.

f. Petitioner's evaluation for the period ending 1 August 2007 is adverse with a 1.0 mark in military bearing, because she had failed three Physical Fitness Assessments (PFA's) in a four year period. Therefore, she was not recommended for advancement or retention in the Navy. The available documentation shows that in the spring of 2007 she was 5'4" tall and weighed 181 pounds. On 1 August 2007 she was released from active duty at the expiration of her active obligated service with an RE-4 reenlistment code. At that time, she was serving as a petty officer second class (BM2; E-5).

g. The DD Form 214 issued on 1 August 2007 indicates that Petitioner had completed 16 years, 3 months and 22 days of active service and three years of inactive service. Accordingly, at the end of her anniversary year on 24 March 2008 she was credited with 20 years of qualifying service for reserve retirement purposes. She has been issued a Notification of Eligibility for Retired Pay at Age 60.

h. Attached to enclosure (1) is an advisory opinion from the Navy Personnel Command which states that Petitioner did have three PFA failures in a four year period. However, it is noted that she did receive an excellent score on her spring 2007 PFA, which would have allowed a body composition waiver at the discretion of the commanding officer. Given the circumstances, and her otherwise excellent performance, the advisory opinion recommends that the RE-4 reenlistment code be changed to RE-3T. This code will allow consideration for an enlistment waiver if she can meet the PFA criteria.

i. Also attached to enclosure (1) is an advisory opinion from another section in the Navy Personnel Command which apparently interprets the PFA results as showing that she only had two PFA failures. The drafter of the advisory opinion notes that she was a stellar performer and believes that she was treated unfairly and in a callous manner when she was denied further active service. It is recommended that the reenlistment code be changed to RE-1.

CONCLUSION:

Upon review and consideration of all the evidence of record the

Board concludes that Petitioner's request warrants partial favorable action. It is clear from the available evidence that she did not meet the body composition standards for at least three years and she was on notice that she had to meet standards in order to be continued on active duty. Further, since she was at the end of her active duty obligation, administrative discharge processing was not required. Therefore, it was only a command determination whether or not her orders should have been renewed. Since there is certainly a basis for the denial of continuation, the Board concludes that she should not be reinstated to active duty.

Concerning the reenlistment code issue, the Board is aware that the regulations allow for the assignment of an RE-3T or an RE-4 reenlistment code when an individual is denied reenlistment due to PFA failures. Given the recommendation for an RE-3T in one of the advisory opinions and considering her excellent performance of duty, the Board concludes that the reenlistment code should now be changed to RE-3T vice the RE-4 reenlistment code now of record. This code will allow consideration for a return to active duty if she can meet standards in the future.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reasons for the change in the reenlistment code.

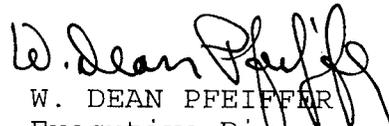
RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that when she was released from active duty on 1 August 2007 she was assigned an RE-3T reenlistment code vice the RE-4 reenlistment code now of record.
- b. That Petitioner's request for reinstatement on active duty be denied.
- c. That 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

  
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 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