



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

SJN
Docket No: 11879-08
28 October 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 27 October 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 reenlisted in the Navy on 24 June 2000 after three years of honorable service. On 24 August 2003, he received nonjudicial punishment for making a false official statement. He received restriction and a reduction in paygrade. Petitioner served for over eight years and received two Good Conduct Medals. Although the record reflects that he failed the physical fitness assessment (PFA) on three occasions, he was advanced to petty officer first class and his evaluations reflect generally excellent performance.

d. On 23 June 2006, Petitioner signed an enlisted performance evaluation for the period covering 16 November 2005 to 23 June 2006, in which he was not recommended for advancement or retention. That evaluation assigned adverse marks in military bearing, but satisfactory marks in all other categories. The evaluation also noted that although his natural abilities and drive had aided him in becoming a top leader, due to his three PFA failures in a four year period, he was not recommended for retention. On 23 June 2006, Petitioner was honorably discharged from active duty and assigned an RE-4 reenlistment code.

e. With his application, Petitioner submitted character letters attesting to his quality of work while on active duty and stating that he cannot join a reserve unit with an RE-4 reenlistment code. The reenlistment code of RE-4 means that he is not recommended for reenlistment. However, under current regulations, he could have been assigned a reenlistment code of RE-3F, meaning that he failed the PFA on three or more occasions in a four year period.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action based on Petitioner's overall record of military service. Specifically, his promotion to petty officer first class and two Good Conduct Medals. The Board therefore concludes that the interests of justice would be better served by changing his reenlistment code to RE-3F.

RECOMMENDATION:

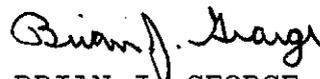
a. That Petitioner's naval record be corrected to show that on 23 June 2006, Petitioner was issued an RE-3F reenlistment code vice the RE-4 actually issued on that date.

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

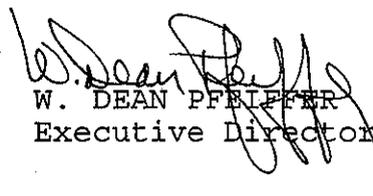
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 21 August 2008.

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