



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

SMS
Docket No: 2162-08
6 November 2008

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) Case Summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting to change his RE-4 reenlistment code that was assigned on 31 October 1997, when he was honorably released from active duty.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 November 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. On 1 December 1992, Petitioner enlisted in the Navy at age 19. He was subsequently awarded the Navy and Marine Corps Medal, Navy Achievement Medal, Good Conduct Medal, attained pay grade E-4, and consistently received favorable performance evaluations that recommended promotion and retention. On 15 June 1997, he received his last performance evaluation in which he received an individual trait average of 4.0 and was recommended for promotion and retention. On 20 August 1997,

he reported to a temporary command for duty under instruction. On 31 October 1997, he was honorably released from active duty due to completion of required active service and assigned an RE-4 reenlistment code. On 15 September 2000, he was honorably discharged from the Navy Reserve due to the expiration of his obligated service and was not recommended for retention.

c. In his application, Petitioner states that he was not asked to extend his enlistment until after he completed an "A" school, but made a decision at that time not to extend because of family problems. He further states that he believes that he has a lot to offer the Navy Reserve and would like to reenlist.

d. Regulations authorize assignment of an RE-4 reenlistment code to service members who are honorably released from active duty due to completion of required active service and are not recommended for retention. Regulations also authorize assignment of an RE-1 reenlistment code to service members who meet professional growth criteria and are honorably released from active duty due to completion of required active service.

CONCLUSION:

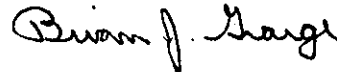
Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, the Board finds that Petitioner served without incident, completed his required active service, attained pay grade E-4, and was consistently recommended for retention and promotion. The Board believes that the assignment of the RE-4 reenlistment code likely resulted from his refusal to extend his enlistment after completing an "A" school, but finds that other than the RE-4 reenlistment code on the DD Form 214, there is no evidence in the record to justify assignment of such a code. Given his overall service record that included almost five years of active service with no disciplinary action, the Board concludes that Petitioner's record should be corrected to show that he was assigned an RE-1 reenlistment code on 31 October 1997, and was recommended for retention on 15 September 2000.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned an RE-1 reenlistment code on 31 October 1997, vice the RE-4 actually assigned on that date.

b. That Petitioner's naval record be further corrected to show that he was recommended for retention on 15 September 2000, when he was honorably discharged from the Navy Reserve.

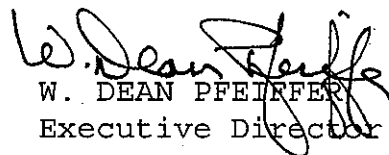
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



BRIAN J. GEORGE
Acting Recorder

ROBERT D. ZSALMAN
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