



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

SMS  
Docket No: 5129-08  
20 February 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) 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 3 October 2003, when he was honorably released from active duty.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 19 February 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. On 2 November 1999, Petitioner enlisted in the Navy at age 18. During the period 20 December 2000 to 16 March 2001, he had nonjudicial punishment (NJP) on three occasions and suspended punishment vacated. His offenses included three instances of disobedience of a lawful order, communicating a threat, and contempt. On 15 July 2001 and 15 July 2002, he received favorable performance evaluations, both of which recommended him for promotion and retention. On 16 July 2002, he was promoted to pay grade E-3. On 15 July 2003, he received

a favorable performance evaluation which recommended him for promotion and retention. On 3 September 2003, a service record entry was made which stated that he was not recommended for retention because of his reduction to pay grade E-3. On 3 October 2003, his previous performance evaluation was extended which was favorable, and recommended him for promotion and retention. On 3 October 2003, he was honorably released from active duty due to the completion of required active service and assigned an RE-4 reenlistment code. On 22 October 2007, he was honorably discharged due to the expiration of his obligated service and not recommended for retention.

c. In his application, Petitioner states that he was a model Sailor during the last three years of his service and would like to enlist in another branch of the armed forces.

d. Regulations authorize assignment of an RE-4 reenlistment code to service members who are released from active duty due to completion of required active service and are not recommended for retention or fail to meet professional growth criteria. Regulations also authorize assignment of an RE-3R reenlistment code to service members who are released from active duty while serving in pay grade E-3 and fail to meet professional growth criteria, but are eligible in all other respects and are recommended for advancement.

#### 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's disciplinary actions occurred during a four month period and he then served without incident for more than 30 months during which time he was promoted to pay grade E-3, consistently received favorable performance evaluations, and was recommended for promotion and retention. The Board also finds that the service record entry dated 3 September 2003, does not justify assignment of an RE-4 reenlistment code since the record shows that the last administrative action regarding his rank was a promotion to pay grade E-3 and not a reduction. Therefore, the Board concludes that the record should be corrected to show that he was assigned an RE-3R reenlistment code on 3 October 2003, and that he was recommended for retention on 22 October 2007.

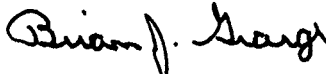
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned an RE-3R reenlistment code on 3 October 2003, when he was honorably released from active duty due to the completion of his required active service, 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 22 October 2007, when he was honorably discharged from the Navy Reserve due to the expiration of his obligated service.

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