



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

CRS
Docket No: 933-09
5 April 2009

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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 applied to this Board requesting his naval record be corrected by changing the characterization and reason for discharge and reentry code he was assigned on 22 June 2004.

2. The Board, consisting of Messrs. [REDACTED], [REDACTED], and J. [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. Petitioner enlisted in the Navy on 7 June 2000. On 27 January 2006 he was convicted by civil authorities of drunk driving. The court sentenced him to a fine of \$562. On 17 February 2006 he received a general discharge by reason of misconduct due the commission of a serious offense, and was assigned a reentry code of RE-4.

c. Petitioner argues that his overall period of service of more than five years shows no misconduct other than the drunk driving charge which the civil authorities ultimately dismissed.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that it would be in the interest of justice, as an exception to policy, to assign Petitioner a reentry code of

RE-3, to remove the stigma associated with a code of RE-4.

If you have not already done so you may still be eligible to apply to the Naval Discharge Review Board and request recharacterization of your discharge and a change in the reason for your discharge. A DD Form 293 is enclosed for your use.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show, as an exception to policy, that he was assigned a reentry code of RE-3 on 17 February 2006.

b. That no further relief be granted.

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


JAMES R. EXNICIOS
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

Enclosure