



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

SMS  
Docket No: 1181-09  
5 March 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 the RE-4 reenlistment code that was assigned on 29 January 2003, when he was discharged with an entry level separation by reason of erroneous entry.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 March 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 6 January 2003, Petitioner enlisted in the Navy at age 19. On 16 January 2003, a medical evaluation stated that he had flat feet and had not received a waiver for this before he enlisted. On 23 January 2003, his commanding officer initiated an entry level separation by reason of erroneous entry. In connection with this processing, he acknowledged the separation action. On 24 January 2003, the separation authority approved the recommendation and directed an entry level separation by reason of erroneous entry and assignment of an RE-3E

reenlistment code. On 29 January 2003, he was so discharged, but assigned an RE-4 reenlistment code.

c. In his application, Petitioner states that the RE-4 reenlistment code was erroneously assigned. With his application, he provided a copy of the separation authority's letter dated 24 January 2003, which directed his entry level separation by reason of erroneous entry and assignment of an RE-3E reenlistment code.

d. Regulations authorize assignment of an RE-4 reenlistment code to service members who are discharged by reason of erroneous entry but are not recommended or eligible for retention. Regulations also authorize assignment of an RE-3E reenlistment code to service members who are so discharged and are eligible for retention except for a disqualifying factor.

CONCLUSION:

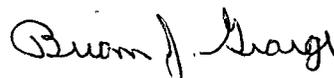
Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, the Board finds that the separation authority directed an entry level separation by reason of erroneous entry and assignment of an RE-3E reenlistment code. Therefore, the Board concludes that his record should be corrected to show that he was assigned an RE-3E reenlistment code.

RECOMMENDATION:

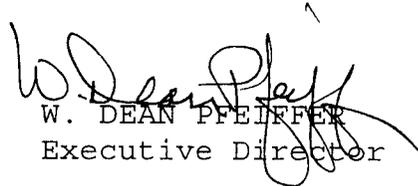
a. That Petitioner's naval record be corrected to show that he was assigned an RE-3E reenlistment code on 29 January 2003, vice the RE-4 actually assigned on that date.

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