



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

Docket No: 1593-09  
1 April 2009

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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, a former enlisted member of the Navy, filed an application with this Board requesting that his RE-2 reenlistment code be changed.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 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. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and consider the application on its merits.

c. Petitioner enlisted in the Navy on 26 June 1991 and served in an excellent manner for almost five years. On 6 June 1996, he extended his enlistment for 10 months so that he could complete the Broadened Opportunity for Officer Selection Training program. His DD Form 214 shows that he was honorably discharged on 10 October 1996 with a narrative reason for discharge of "To enter Officer Training Program" with a separation code of KGX and he was assigned an RE-2 reenlistment code. He was later disenrolled from the Naval Reserve Officer Training Corps and his appointment as a midshipman was terminated.

d. Petitioner states that he is being denied reenlistment because of the RE-2 reenlistment code. He contends that it was assigned in error. A review of the regulation in effect at the time (BUPERSINST 1900.8 of 28 June 1993) states that an individual separated with a separation code of KGX must be assigned an RE-2 reenlistment code. However, the regulation also states that an RE-2 means that you are not recommended for reenlistment because of status in the Fleet Reserve, Retired, commissioned or a warrant officer. He points out that that he was in an enlisted status when he was discharged and none of these categories apply to him.

e. The regulations issued since Petitioner's service (BUPERSINST 1900.8A&B) state that an RE-1 reenlistment code must be used when an individual is discharged to enter an officer training program with a KGX separation code.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since Petitioner served in an enlisted status in an excellent manner which was sufficient to earn acceptance into an officer training program, the Board believes that the reenlistment code should reflect the quality of his service. Therefore, the Board concludes that the assignment of the RE-2 reenlistment code is inappropriate and it should now be changed to an RE-1 as set forth in the two iterations of the regulation that have been issued since his discharge.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reasons for the change in the reason for the change in the reenlistment code.

RECOMMENDATION:

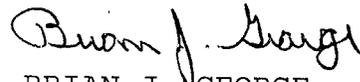
a. That Petitioner's naval record be corrected to show that on 10 October 1996 he was assigned an RE-1 reenlistment code vice the RE-2 code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

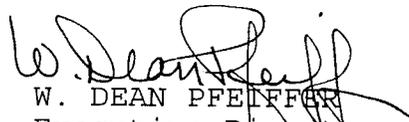
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

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 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