



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

TJR
Docket No: 1703-09
15 December 2009

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]
242-41-3783

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C
(c) BUPERSINST 1900.8A

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Petitioner's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that her reenlistment code be changed.

2. The Board, consisting of Mr. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 December 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 enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 8 April 1988 at age 19 and began a period of active duty on 19 September 1988. She served without disciplinary incident and was advanced to paygrade E-5.

d. Petitioner was awarded a Good Conduct Medal, National Defense Service Medal, Southwest Asian Medal with Bronze Star, Sea Service Deployment Ribbon, and a Battle "E" Ribbon.

e. Petitioner was recommended for retention until 27 January 1996, when she failed to meet physical fitness assessment (PFA) standards. In this regard, she was advised, in part, that due to her failure of three PFAs, she was a candidate for administrative separation.

f. On 27 January 1996 Petitioner was honorably released from active duty and transferred to the Navy Reserve. At the time of her release from active duty she received a separation performance evaluation in which she was not recommended for retention, and assigned an RE-4 reenlistment code. On 8 April 1996 she was honorably discharged from the Navy Reserve and was not recommended for reenlistment.

g. Reference (b) authorizes the issuance of an RE-4 reenlistment code to Sailors who have completed their enlistment and are serving in paygrade E-5 at the time of their release from active duty. The assignment of an RE-4 reenlistment code under these circumstances means that a Sailor is not eligible or recommended for reenlistment. Reference (c), however, authorizes the issuance of an RE-3F reenlistment code for a Sailor, such as Petitioner, who was not recommended for retention due to PFA failures.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action.

The Board's decision is based on Petitioner's overall satisfactory service in which she served without disciplinary infractions, and received a Good Conduct Medal, National Defense Service Medal, Southwest Asian Medal with Bronze Star, Sea Service Deployment Ribbon, and a Battle "E" Ribbon.

Although Petitioner was not recommended for retention, the Board notes that this nonrecommendation was based solely on her failure of the three PFAs. Since an RE-3F reenlistment code is authorized for a Sailor who is separated upon completion of required active service but not recommended for retention due to failure of PFAs, the Board believes that an RE-3F is now the most appropriate reenlistment code for Petitioner's situation.

Accordingly, the record should be corrected to show that she was assigned such a code and that she was recommended for reenlistment upon her discharge from the Navy Reserve.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was assigned an RE-3F reenlistment code on 27 January 1996 vice the RE-4 reenlistment code actually assigned on that date.

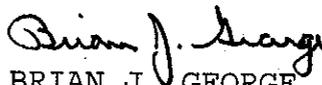
b. That Petitioner's naval record be further corrected to show that she was recommended for reenlistment on 8 April 1996 vice not being recommended for reenlistment on that date.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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 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
By direction