



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

TAL
Docket No: 3828-09
1 March 2010

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
(b) OPNAVINST 1160.5C

Encl: (1) DD Form 149
(2) Case Summary
(3) Subject'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 a change in his RE-4 reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 February 2010 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 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 25 June 1999. During his enlistment, he served without disciplinary incident, was advanced to paygrade E-5, received a Navy Achievement Medal, a Navy Unit Commendation, a Meritorious Unit Commendation, two Good Conduct Medals, a National Defense Service Medal, two Armed

Forces Expeditionary Medals, a Sea Service Deployment Ribbon, a Navy Overseas Service Ribbon, a Global War on Terrorism Expeditionary Medal, and an Enlisted Surface Warfare Insignia.

d. On 20 February 2007 Petitioner was involuntarily processed for administrative separation due to failure to pass three Navy physical fitness assessment (PFA) cycles in a four year period. The discharge authority directed an honorable discharge and assigned a reenlistment code of RE-4. He was discharged on 15 March 2007.

e. Although the Petitioner was not recommended for retention on his last two enlisted evaluations due to the three PFA failures, comments concerning his performance state in part, that he was a hard worker with excellent technical skills and had the potential to develop into an outstanding asset to the White House Communications Agency.

f. The reenlistment code of RE-4 means that Petitioner is not recommended for reenlistment. However, he could have been assigned a code of RE-3F, meaning that he was discharged for failure of the PFA.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action based upon his overall record of military service. The Board therefore concludes that no useful purpose is served by assignment of the most restrictive reenlistment code of RE-4, and the RE-3F code more accurately reflects the quality of his service. In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

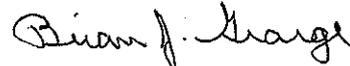
a. That Petitioner's naval record be corrected to show that on 15 March 2007 he was issued an RE-3F reenlistment code vice the RE-4 actually issued on that date.

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

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 7236(c)) 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