



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

TJR
Docket No: 9660-09
8 July 2010

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C

Encl: (1) DD Form 149 with attachments
(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 that his reenlistment code be changed.

2. The Board, consisting of Messrs. [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 7 July 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 1 July 2004 at age 18. He served without disciplinary incident and was advanced to paygrade E-4. The record contains two performance evaluations for periods from 16 July 2006 to 15 June 2008, both of which recommended him for advancement and retention.

d. On 30 June 2008, while serving as a petty officer third class, Petitioner was honorably released from active duty and transferred to the Navy Reserve upon completion of his required active service. Although he was recommended for retention and reenlistment, he was assigned an RE-4 reenlistment code.

e. Reference (b) authorized the issuance of an RE-4 reenlistment code to Sailors who are not recommended for advancement, retention, or reenlistment at the time of their release from active duty. However, this does not apply to Petitioner since he was recommended for advancement, retention, and reenlistment. In this regard, reference (b) authorized an RE-1 reenlistment code for a Sailor such as Petitioner.

CONCLUSION:

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

The Board notes that Petitioner served satisfactorily and without disciplinary infractions. The Board further notes that an RE-1 reenlistment code is appropriate for a Sailor who is recommended for retention when separated. Accordingly, the Board believes that an RE-1 is now the most appropriate reenlistment code for Petitioner's situation and that the record should be corrected to reflect that he was assigned such a code.

RECOMMENDATION:

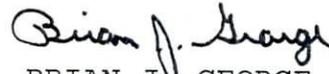
a. That Petitioner's naval record be corrected to show that he was assigned an RE-1 reenlistment code on 30 June 2008 vice the RE-4 actually assigned on that date.

b. 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.

c. 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 purposes, with no cross references being made a part of 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 723.6(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