



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

TJR
Docket No: 12304-09
7 September 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
(c) BUPERSINST 1900.8B

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 his reenlistment code and nonrecommendation for reenlistment be changed.

2. The Board, consisting of Mr. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 1 September 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 30 March 2000 at age 22 and began a period of active duty. He served without disciplinary incident and was advanced to paygrade E-4.

d. Petitioner was awarded two Good Conduct Medals, a Navy and Marine Corps Achievement Medal, a Combat Action Ribbon, a Navy Unit Commendation, a National Defense Service Medal, a Global War on Terrorism Expeditionary Medal, a Global War on Terrorism Service Medal, a Sea Service Deployment Ribbon, a Navy Rifle Marksmanship Ribbon, and a Navy Pistol Marksmanship Ribbon.

e. Petitioner was recommended for retention until 27 June 2004, when he failed to meet physical fitness assessment (PFA) standards. In this regard, he was advised, in part, that due to his failure of six PFAs, he was a candidate for administrative separation. His record reflects that in March 2006 he had failed yet another PFA and was not recommended for retention or reenlistment.

f. On 29 March 2008 Petitioner was honorably released from active duty and transferred to the Navy Reserve. At the time of his release from active duty he received a separation performance evaluation in which he was not recommended for retention, and assigned an RE-4 reenlistment code. On 20 March 2008 he 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-4 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 solely 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 he served without disciplinary infractions, and received two Good Conduct Medals, a Navy and Marine Corps Achievement Medal, a Combat Action Ribbon, a Navy Unit Commendation, a National Defense Service Medal, a Global War on Terrorism Expeditionary Medal, a Global War on Terrorism Service Medal, a Sea Service Deployment Ribbon, a Navy Rifle Marksmanship Ribbon, and a Navy Pistol Marksmanship Ribbon.

Although Petitioner was not recommended for retention, the Board notes that this nonrecommendation was based solely on his failure of seven 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 his situation. Accordingly, the record should be corrected to show that he was assigned such a code and that he was recommended for reenlistment upon his discharge from the Navy Reserve.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to reflect that he was assigned an RE-3F reenlistment code on 29 March 2006 vice the RE-4 actually assigned on that date.

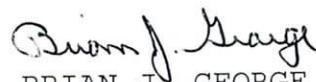
b. That Petitioner's naval record be further corrected to reflect that he was recommended for reenlistment on 20 March 2008 instead of not being recommended on that date.

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. 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