



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

JRE
Docket No. 13457-09
5 April 2010

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was assigned a more favorable reentry code than RE-4.

2. The Board, consisting of Mses. [REDACTED] and [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 April 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 the application was not timely filed, the Board finds it to be in the interest of justice to waive the statute of limitations and consider the application on the merits.

c. Petitioner served on active duty in the Navy from 14 August to 8 September 2003 when he was discharged for failing to meet medical/physical standards for enlistment due to traumatic optic neuropathy. He was assigned a reentry code of RE-4 as

required when a Sailor is discharged for failing to meet medical/physical standards for enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that although Petitioner was properly discharged and assigned a reentry code of RE-4, it would be in the interest of justice to correct his record to show that he was discharged by reason of erroneous enlistment and assigned a reentry code of RE-3E. Effecting that change would permit him to reenlist if he can obtain a waiver of his disqualifying visual defect, and it will remove the stigma often associated with a reentry code of RE-4.

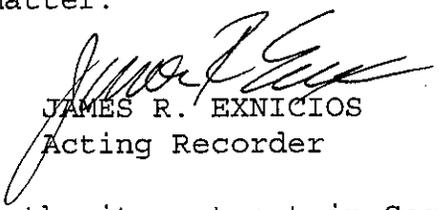
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was discharged by reason of erroneous entry on 8 September 2003 and assigned a reentry code of RE-3E.

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 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


JAMES R. EXNICIOS
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