



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

SJN
Docket No: 00143-10
13 October 2010

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

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

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 a change in her RE-4 (not recommended for retention) reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 5 October 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 reenlisted in the Navy on 25 February 1983 after serving over eight years of honorable service. On 7 July 1993, she was counseled and warned about her failure to maintain prescribed weight standards. On 24 June 1984, the counseling warning was extended due to the gastroplasty surgery she received on 1 May 1994 to help correct her weight problem. At that time

she weighed 282 pounds. Post surgery, she had a weight loss of 34 pounds over seven months. She gained 10 pounds over the next four months. On 16 March 1985, she joined Weight Watchers, and after 13 weeks, her weight loss totaled a little over five pounds. Subsequently, administrative discharge action of initiated by reason of obesity and failure to conform to Navy physical fitness standards. She served for over ten years without disciplinary action and received two Good Conduct Medals. Although the record reflects that she failed to conform to the Navy's physical fitness standards, she was advanced to petty officer first class and her evaluations reflect generally excellent performance. On 26 July 1985, she was honorably discharged from active duty and assigned an RE-4 reenlistment code. However, at that time, she could have been assigned a RE-3T (obesity) reenlistment code.

CONCLUSION:

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

In this regard, the Board notes Petitioner's overall record of military service, including her promotion to petty officer first class, the lack of disciplinary action, being awarded two Good Conduct Medals, and the surgery she underwent to try to correct her weight problem. The Board therefore concludes that no useful purpose is served by the assignment of the most restrictive reenlistment code of RE-4, and assignment of the RE-3T code more accurately reflects the quality of her service.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 26 July 1985, she was issued an RE-3T reenlistment code vice the RE-4 reenlistment code actually issued on that date.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

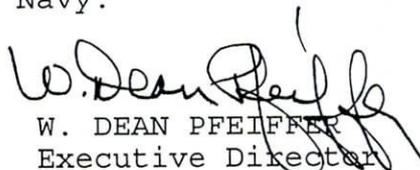
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 18 February 2010.

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