



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

SJN
Docket No: 00502-11
18 October 2011

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

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 his RE-4 (not recommended for retention) reentry code.

2. The Board, consisting of Mr. Dixit, Ms. Henkel, and Mr. Spain, reviewed Petitioner's allegations of error and injustice on 13 October 2011 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 and began a period of active duty on 11 June 2002. Petitioner served for four years without disciplinary action and received the Navy and Marine Corps Achievement Medal and Good Conduct Medal. Although the

record reflects that he failed the physical fitness assessment (PFA) on three occasions, he was advanced to petty officer third class and his evaluations reflect generally satisfactory performance. The Board found an enlisted performance evaluation for the period covering 1 March to 10 June 2006, in which he was not recommended for advancement or retention. That evaluation assigned adverse marks in the category of military bearing, but satisfactory marks in all other categories. The evaluation also noted that he failed three PFA's within a four-year period. On 10 June 2006, Petitioner was honorably released from active duty and transferred to the Navy Reserve. At that time, he was assigned an RE-4 reentry code. He was discharged at the completion of his required service on 9 April 2010. The RE-4 reentry code means that he is not recommended for reenlistment. However, he could have been assigned a reentry code of RE-3F, meaning that he failed the PFA on three occasions in a four-year period.

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 his promotion to petty officer third class, the lack of disciplinary action, and his personal awards. The Board therefore concludes that no useful purpose is served by the assignment of the most restrictive reentry code of RE-4, and assignment of the RE-3F reentry code more accurately reflects the quality of his service.

RECOMMENDATION:

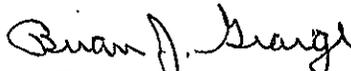
a. That Petitioner's naval record be corrected to show that on 1 June 2006 he was issued an RE-3F reentry code vice the RE-4 reentry code, now of record.

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

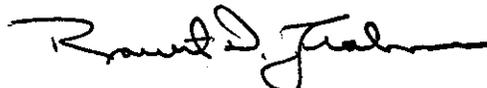
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 14 January 2011.

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.


F. W. DEAN PFEIFFER
Executive Director