



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1172-99

3 September 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Mazza, Mr. Pfeiffer and Mr. Taylor, reviewed Petitioner's allegations of error and injustice on 31 August 1999 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 15 June 1993 at age 19 and served in a satisfactory manner for over four years. He then received a poor performance evaluation for the period 16 December 1997 to 15 June 1998. The evaluation comments state that he requires occasional supervision and guidance, but exhibits potential for growth.

d. Petitioner's performance evaluation for the period ending 14 November 1998 is adverse in that he was assigned marginal marks in several categories and an adverse mark of 1.0 in personal job accomplishment/initiative. The individual trait average was 1.86 and he was not recommended for advancement or retention in the Navy. The evaluation comments state, in part, as follows:

... level of performance has greatly diminished during this reporting period. (He) has received written and numerous verbal counseling on personal accountability and job responsibilities, and has been reminded that he is accountable for his actions and that "no short cuts" will be tolerated in the care of his patients. Many of the medical records in his care were found to be in general disorder. Only vaguely aware of the medical readiness of his Marines, he routinely avoids the Battalion Aid Station and requires prompting to see patients and complete assigned tasks.

e. Petitioner was released from active duty on 14 November 1998 with his service characterized as honorable. At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

f. Petitioner submitted a rebuttal to the 14 November 1998 evaluation on 15 November 1999. In the rebuttal he states that he had a personal conflict with a chief petty officer, none of his superiors had much of an opportunity to observe him and he received a meritorious mast in 1997. He contends, in effect, that the evaluation is unjust because it will prevent service in the reserves and will cause problems in reaching his goal of becoming a police officer.

g. With his application, Petitioner has submitted statements from a senior chief corpsman and a third class corpsman. The senior chief states that Petitioner worked for him during the period March 1997 to April 1998 and he was a competent, hardworking, and reliable corpsman. The third class petty officer states that Petitioner worked for him and did an excellent job, but was not liked by a chief petty officer. The record shows that Petitioner has completed a police academy and has passed the examination to become a police officer. Petitioner's mother states that he is now a reserve police officer, but was not hired for a permanent position because of questions about the RE-4 reenlistment code.

#### 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 was required to perform his job to the satisfaction of his superiors and did not do so. The letters of reference from the senior chief and the petty officer indicate that they had a different perception of his performance of duty. However, the senior chief did not observe Petitioner after April 1998. Given the circumstances, the Board believes that insufficient evidence exists to show that the

evaluation was improper and the evaluation should remain in the record.

Notwithstanding the foregoing, the Board notes that Petitioner served over five years on active duty and received substandard evaluations only in the last year of his service. The Board concludes that the overall quality of his service outweighs the negative aspects and no useful purpose is now served by the RE-4 reenlistment code. This is especially true if the reenlistment code would preclude service as a police officer. Therefore, the Board concludes that the RE-4 reenlistment code assigned on 14 November 1998 should now be changed to RE-1.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand why he was assigned an RE-1 reenlistment code, contrary to the recommendation in the last performance evaluation.

RECOMMENDATION:

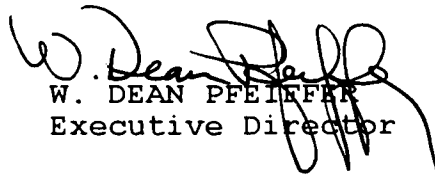
- a. That Petitioner's naval record be corrected to show that on 14 November 1998 he was assigned an RE-1 reenlistment code vice the RE-4 reenlistment code now of record.
  - b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the 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



ALAN E. GOLDSMITH  
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  
Executive Director