



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

TRG  
Docket No: 1290-01  
17 October 2001

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) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Naval Reserve, filed an application with this Board requesting that his record be corrected by changing the RE-4 reenlistment code issued on 11 December 2001.

2. The Board, consisting of Mr. Adams, Mr. Pfeiffer and Mr. Morgan, reviewed Petitioner's allegations of error and injustice on 10 October 2001 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. Petitioner's application was filed in a timely manner.

c. Petitioner enlisted in the Navy on 12 December 1995 for four years at age 18 and subsequently extended that enlistment for 12 months. Petitioner then served in an excellent manner for over four years and was advanced to CM3 (E-4). However, on 26 January 2000 he received a counseling entry, which states, in part, as follows:

You are being retained in the naval service, however, the following deficiencies in your performance and/or conduct are identified: On 23 December 1999, you attended CO's nonjudicial punishment (NJP) for violation of UCMJ Article 86. Unauthorized absence from NMCB FOUR det GTMO on or about 18 October until 28 October 1999. You were awarded a reduction in rate to

E-3 and 45 days restriction and extra duty. ....

d. In the performance evaluation for the period 24 December 1999 to 15 July 2000, Petitioner's individual trait average (ITA) was 3.86 and there were laudatory comments. The promotion recommendation was "must promote" and he was recommended for retention. He also received an ITA of 3.86 in his next evaluation for the period ending 11 December 2000. The commanding officer stated, in the evaluation comments, in part, as follows:

"... (Petitioner) is an energetic self-starter who consistently achieves success without supervision. His professional knowledge, character and initiative will leave a significant void in the command. He holds my strongest possible recommendation for advancement to Petty Officer Third Class and increased responsibility.

Petitioner was released from active duty and transferred to the Naval Reserve on 11 December 2000. At that time, he was not recommended for reenlistment and was assigned an 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 weighed Petitioner's 10 day period of unauthorized absence for which he received NJP and was reduced in rate against his overall excellent record and especially the last two performance evaluations he received after the NJP. The Board believes that the last two excellent evaluations should be controlling and concludes that the RE-4 reenlistment code 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 the reason for the assignment of the RE-1 reenlistment code.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 11 December 2000 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

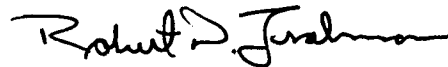
review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



ALAN E. GOLDSMITH  
Acting Recorder

ROBERT D. ZSALMAN  
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.



For W. DEAN PFEIFFER  
Executive Director