



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

TRG
Docket No: 3282-01
22 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, a former enlisted member of the Navy, filed an application with this Board requesting that his record be corrected by changing the RE-4 reenlistment code issued on 12 September 1996.

2. The Board, consisting of Mr. Kastner, Mr. McPartlin and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 16 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. Although it appears that Petitioner's application 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 for four years on 25 October 1993. On 30 December 1995 and 19 March 1996, he was counseled and warned of the possible consequences of future failures of the physical readiness test (PRT). However, on 16 June 1996, he was advanced to SM3 (E-4). On 15 July 1996, he was notified of separation processing by reason of weight control failure. At that time, he elected to waive his procedural rights. The commanding officer states in his letter directing discharge, in part, as follows:

.... (His) service on board has been marked with

proficient and industrious performance and has met acceptable standards of conduct and performance of duty, with the exception of the physical readiness standards of the Naval Service. His repeated failure of the Physical Readiness Test (PRT) make (him) unsuitable for further military service.

He was honorably discharged on 12 September 1996 with an narrative reason of separation of "Failed Physical Standards" with a separation program designator (SPD) code of "GFT".

d. The Board notes that the SPD code of GFT is in error because that code is only assigned when an individual is being discharged for failure of physical standards based on an approved recommendation of an administrative discharge board (ADB). Petitioner was not eligible for an ADB and such a board was not convened. The SPD code which fits the circumstances of his case is "JFT" which is assigned when an individual is discharged because of "physical standards" and there is no ADB entitlement.

e. Regulations allow for the assignment of an RE-3T or an RE-4 reenlistment code when an individual is discharged with an SPD code of JFT. An RE-3T reenlistment code is assigned when an individual is recommended for reenlistment except for the disqualifying factor of the failure to meet physical standards.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the commanding officer's comments in the letter directing Petitioner's discharge, to the effect, that he was an excellent performer except for his failure of the PRT. Given the circumstances of this case, the Board concludes that the SPD should be changed to JFT and the reenlistment code should be changed to the less restrictive code of RE-3T. This code will alert recruiters that there is a problem which must be resolved before reenlistment can be authorized.

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-3T reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 12 September 1996 he was honorably discharged with a narrative reason for discharge of "physical standards" with an SPD code of JFT and an RE-3T reenlistment code vice the narrative reason, SPD

and reenlistment code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

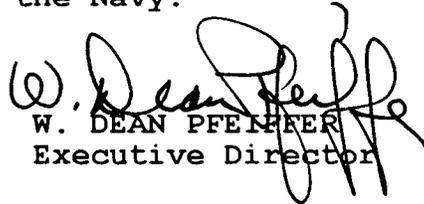
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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