



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

TRG
Docket No: 3649-00
16 August 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) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that his record be corrected to show that he was assigned an RE-1 reenlistment code on 16 June 1994, vice the RE-4 reenlistment code now of record.

2. The Board, consisting of Mr. Milner, Mr. Dunn and Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 14 August 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 Naval Reserve on 26 June 1990 and reported for three years of active duty on 17 June 1991. On 4 February 1993 he received nonjudicial punishment for dereliction of duty and was reduced in rate from FA (E-2) to FR (E-1). He subsequently, was advanced to FA but did not have sufficient time remaining to advance to FN (E-3). He was released from active duty on 16 June 1994 with his service

characterized as honorable. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner's record is incomplete in that the enlistment performance record (page 9), administrative remarks, and the DD Form 214 are not filed on his microfiche record. However, it is assumed that he was assigned the RE-4 reenlistment code because he was still an E-2 after completing an extended period of active duty.

e. Petitioner was granted a waiver for his reenlistment code and, on 31 October 1995, he enlisted in the Oregon National Guard. He then served in an excellent manner for several years. On 17 February 1998, he was granted a waiver by the Bureau of Naval Personnel so that he could reenlist in the Naval Reserve. He reenlisted in the Naval Reserve on 18 February 1998 in pay grade E-3. He was honorably discharged on 16 July 2000 and reenlisted in the National Guard the next day.

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 has served in an excellent manner in the Naval Reserve and the National Guard since October 1995 and has been granted waivers of the RE-4 reenlistment code on two occasions. The Board concludes that no useful purpose is now served by the RE-4 reenlistment code assigned on 16 June 1994 and it 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 change in his reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 16 June 1994 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

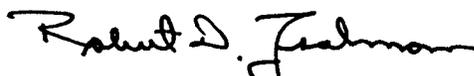
complete record of the Board's proceedings in the above entitled matter.

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.



for W. DEAN PFEIFFER
Executive Director