



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

TRG
Docket No: 4163-01
2 April 2002

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 Naval Reserve filed enclosure (1) with this Board requesting that his record be corrected by changing the RE-4 reenlistment code assigned on 24 July 2000.

2. The Board, consisting of Mr. Harrison, Mr. Pauling and Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 26 March 2002 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 25 July 1996 at age 20. On 5 February 1998 he received nonjudicial punishment (NJP) for dereliction of duty and received a suspended reduction in rate. An entry on his certificate of personnel security and access form of 5 February 1998 states that he was debriefed because he had a medical condition which would require permanent removal from sea duty, and he had received NJP for classified material insecurity. On 8 April 1998 he reported to the Personnel Support Detachment, Mayport, Florida. In the performance evaluation for the period ending 7 July 1999, his individual trait average was 3.4 with a "must promote" recommendation. The evaluation comments state "although working out of his rate, he completed all tasks assigned with quality

results."

d. On 8 July 1998 Petitioner reported aboard the USS NORMANDY (CG 60) for duty. In the performance evaluation for the period ending 7 July 1999, his individual trait average was 3.2 and he was recommended for promotion and retention in the Navy. The evaluation comments state as follows:

ENTHUSIASTIC AND RELIABLE TEAM PLAYER

- Exceptional laundryman. Independently manages and maintains all aspects of laundry facility onboard USS NORMANDY.

- Excellent work ethic. Provides the highest quality service to NORMANDY crew and embarked detachment. Displays genuine concern for positive results.

- Dedicated worker. Contributed several off-duty hours getting the job done during stores onload, vending operations, ship's tore breakouts, and intensive field days while maintaining highest standards of customer service.

SEAMAN ██████████ CONSISTENTLY EXCELS IN THE SHIP'S SERVICEMAN ARENA. DISPLAYS A POSITIVE ATTITUDE AND CONTRIBUTES SIGNIFICANTLY TO (THE) DIVISION.

Petitioner was released from active duty on 24 July 2000 with his service characterized as honorable. At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. At that time of Petitioner's release from active duty his rating was CTOSN and he had apparently been serving out of his rating since 1 April 1998. The Board is aware that regulations allow for the assignment of an RE-3R reenlistment code for failure to meet professional growth criteria to individual who have not passed an advancement examination for petty officer third class. There is no documentation in the record showing that he ever passed an advancement examination and it is doubtful that he would be recommended for advancement to CT03 since he may not have been qualified to serve in that rating. An RE-3R reenlistment code means an individual is recommended for a probationary reenlistment during which they must advance to petty officer third class.

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 received NJP for a security violation and had other problems which prevented him from serving in his rating. However, the Board also notes that he served in an excellent manner from 16 July 1998 until his release from active duty on 24 July 2000. The Board concludes that the quality of his service after the NJP was such that a change in the RE-4 reenlistment code is warranted.

The Board notes that there is no evidence that Petitioner ever passed an advancement examination which would normally make an RE-3R reenlistment code appropriate. However, given the circumstances, especially his fine performance of duty, the Board concludes that an RE-1 reenlistment code should be assigned in this case as an exception to policy.

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 to show that on 24 July 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.

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