



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

TRG
Docket No: 4243-01
11 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) 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 Navy filed enclosure (1) with this Board requesting that his record be corrected to show that he was assigned a better reenlistment code than the RE-4 reenlistment code assigned on 3 November 1995.

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. 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 28 February 1990 at age 19 and reported for 36 months of active duty on 4 September 1990. Subsequently, he agreed to remain on active duty for another 26 months. On 24 August 1995 he was notified of separation processing due to his failure to maintain physical readiness standards, because he had failed three physical readiness tests within a four year period. In connection with

this processing, he elected to waive his procedural rights. Subsequently, the commanding officer directed an honorable discharge. In the performance evaluation for the period 1 July to 26 October 1995 he was assigned an adverse mark of 2.8 in military bearing and for the overall evaluation. However, he was assigned marks of 3.8 and 3.6 in four other categories. He was honorably discharged on 3 November 1995. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Regulations allow for the assignment of an RE-3T or an RE-4 reenlistment code when an individual is separated due to failure to maintain physical standards. An RE-3T reenlistment means that the individual is recommended for reenlistment except for that disqualifying factor. An RE-4 reenlistment code means the individual is not recommended for reenlistment.

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 final performance evaluation which shows that Petitioner performed his duties in an excellent manner and he only received the adverse 2.8 mark because of his physical readiness test failures. Therefore, the Board concludes that, in retrospect, Petitioner should have been recommended for reenlistment except for the disqualifying factor. Therefore, the RE-4 reenlistment code issued on 3 November 1995 should now be changed to 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 change in the reenlistment code.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 3 November 1995 he was assigned an RE-3T 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

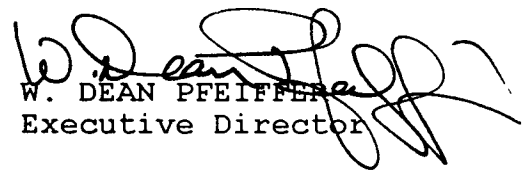
complete record of the Board's proceedings in the above entitled matter.

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