



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

TRG
Docket No: 5882-00
24 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 Marine Corps filed enclosure (1) with this Board requesting that his record be corrected to show a more favorable reenlistment code than the RE-4 code now of record.

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. Petitioner' application was filed in a timely manner.

c. Petitioner reenlisted in the Marine Corps on 26 October 1994 after about four years of active service on a prior enlistment. Subsequently, he was promoted to SGT (E-5) and served in an excellent manner after that date. However, the fitness report for the period 27 June 1997 to 28 February 1998 states, in part, as follows:

"... (He) has encountered several obstacles during the reporting period which required additional supervision and attention. He was awarded nonjudicial punishment for unauthorized use of his government American Express Card. He was assigned to the weight control program

... for failing to met required standards, and was recently removed from the program as a result of meeting the body fat requirements.

d. Petitioner was honorably discharged on 25 October 1998 at the expiration of his enlistment. He was not recommended for reenlistment and was assigned an RE-4 reenlistment code. The DD Form 214 shows that he was paid separation pay of \$7,401.45.

e. Petitioner states that he only had one disciplinary action for a minor offense. He desires a change in the reenlistment code so that he can serve in the Army.

f. Regulations allow for the assignment of a RE-3C in those cases in those cases where a waiveable reenlistment code is appropriate and no other reenlistment code fits the circumstances.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes that Petitioner served for almost eight years in an excellent manner, except for one nonjudicial punishment for what appears to be a minor offense. In addition, he apparently had recovered from his failure to meet the weight standards. The Board believes that the record supports the decision not to authorize reenlistment since he probably was not promotable with the nonjudicial punishment in the record. However, the Board further believes that Petitioner should not now be precluded from being considered for enlistment in the Army. Accordingly, the Board concludes that the RE-4 reenlistment code should now be changed to the less restrictive RE-3C reenlistment code. This code may allow him to be considered for enlistment in the Army.

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 to show that on 25 October 1998 he was honorably discharged with an RE-3C reenlistment code vice the RE-4 reenlistment code now of record.

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

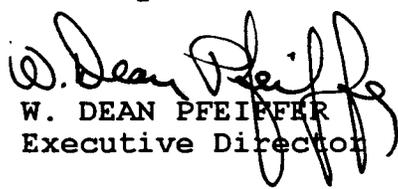
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



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