



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

TJR
Docket No: 7731-01
8 November 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with 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 reenlistment code be changed.

2. The Board, consisting of Messrs. Novello, Taylor, and Pfeiffer reviewed Petitioner's allegations of error and injustice on 6 November 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 enclosure (1) 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 on 27 August 1985 and began a six year period of active duty. Petitioner served without disciplinary incident, and the enlisted performance record (page 9) reflects generally good performance, with only two marginal marks of 3.0 in the category of military bearing.

d. Petitioner received two performance evaluations for the periods from 1 July 1988 to 30 June 1989 and 1 July 1989 to 30 June 1990 in which he was not recommended for advancement, retention, or reenlistment due to his failure of a physical readiness test (PRT) and obesity.

e. Petitioner's record contains page 9 and page 11 entries dated 26 August 1990 which indicate that he was not eligible or recommended for reenlistment due to obesity.

f. On 26 August 1990 Petitioner was honorably released from active duty and transferred to the Naval Reserve. At that time he was assigned an RE-4 reenlistment code. On 9 April 1993, at the expiration of his enlistment, Petitioner was honorably discharged by reason of fulfillment of service obligation. At that time he was not recommended for enlistment.

g. An RE-3T reenlistment code may be assigned to individuals separated due to weight control failure or expiration of enlistment. This code means that the individual was separated or not permitted to reenlist because of a weight problem. This code may not bar enlistment, but requires that a waiver be obtained. Recruiting personnel are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver of a reenlistment code is feasible. An individual separated for either of these reason may also receive an RE-4 reenlistment code, which means that 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.

Since Petitioner served without disciplinary infractions, was separated by reason of fulfillment of service obligation, and was denied reenlistment solely due to a weight problem, the Board concludes that the RE-4 reenlistment code was inappropriate. The Board notes that an RE-3T reenlistment code is authorized by regulatory guidance for an individual who is separated at the expiration of enlistment and is not permitted to reenlist due to failure to meet physical readiness standards. Accordingly, given Petitioner's otherwise good record, the Board concludes that an RE-3T reenlistment code is more appropriate than the RE-4 reenlistment code now of record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 26 August 1990, to RE-3T.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

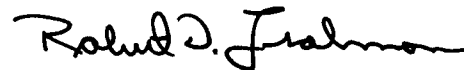
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 Regulation, 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