



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

JRE
Docket No: 139-02
18 March 2002

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was assigned a more favorable reenlistment code than the RE-4 code she was assigned on 2 July 1997.
2. The Board, consisting of Ms. Gilbert and Messrs. Frankfurt and Schultz, reviewed Petitioner's allegations of error and injustice on 14 February 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. Although enclosure (1) was filed not in a timely manner, the Board concluded that it would be in the interest of justice to consider the application on its merits.
 - c. Petitioner served on active duty from 5 June to 2 July 1997, when she was discharged by reason of erroneous enlistment because of a disqualifying medical condition, and assigned a reenlistment code of RE-4.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that RE-4 reenlistment code assigned in this case is unjust, because there no indication in available records that Petitioner committed any acts of misconduct during her brief period of service, or that she did not perform her duties to the best of her abilities. Accordingly, the Board recommends the following corrective action.

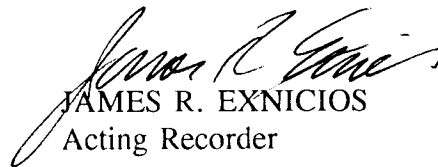
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was assigned a reenlistment code of RE-3E, on 2 July 1997, in lieu of the RE-4 code she actually received on that date.

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

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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



JAMES R. EXNICIOS
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