



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

TRG
Docket No: 1469-02
8 May 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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy filed an application with this Board requesting that his record be corrected to show a voluntary separation and corresponding Separation Program Designator (SPD), code vice the involuntary separation and SPD code now of record.

2. The Board, consisting of Mr. Lippolis, Mr. Dunn and Mr. Beckett, reviewed Petitioner's allegations of error and injustice on 7 May 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 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 reenlisted in the Navy for four years on 29 December 1978 and subsequently extended that enlistment for 10 months. He then served in an excellent manner until 18 February 1983. On that date he received nonjudicial punishment which resulted in a reduction in rate and forfeitures of pay. In the performance evaluation for the period ending 23 October 1983, he received an overall 3.8 evaluation and was recommended for advancement and retention in the Navy. He was honorably discharged on 28 October 1983 at the expiration of his enlistment

as extended. The narrative reason for separation was "fulfillment of service obligation" with an SPD code of "JBK". He was assigned an RE-R1 reenlistment code.

d. Regulations in effect in 1983 did not allow for the assignment of an SPD code to reflect that a career Sailor was being voluntarily discharged at the expiration of enlistment. Subsequently, the regulations were changed to allow an SPD code of "KBK" when an individual is voluntarily discharged for fulfillment of service obligation. An RE-R1 reenlistment code means that an individual is recommended for preferred reenlistment.

e. Petitioner desires a change to a voluntary SPD to improve his chances for a full time position with the National Guard. He has been informed that the involuntary code has a negative connotation and may prevent his employment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner many years of good service with only one nonjudicial punishment. In addition, his last performance evaluation is excellent and he was assigned the best possible reenlistment code. Although the JBK SPD was correctly assigned in 1983 it was certainly not the intent of the regulation that such an SPD code have an impact on future employment. Given the circumstances, the Board concludes that no useful purpose is served by the involuntary code and it should now be changed to KBK as an exception to the policy in effect in 1983.

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 SPD code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 28 October 1983 he was assigned an SPD of KBK vice the SPD of JBK 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.



ALAN E. GOLDSMITH
Acting Recorder

ROBERT D. ZSALMAN
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.



For W. DEAN PFEIFFER
Executive Director