



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

WMP
Docket No. 3354-02
6 September 2002

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 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, applied to this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Messrs. Zsalman, Pfeiffer, and Pauling, reviewed Petitioner's allegations of error and injustice on 28 August 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 to the Board 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 22 October 1990 for four years at age 18 in pay grade E-1. Petitioner served without incident until 10 October 1993, when he received nonjudicial punishment (NJP) for disrespect towards an officer and disobedience of an officer. Punishment imposed was forfeitures of \$100 per month for two months, reduction to paygrade E-2, and 30 days of restriction and extra duty. The restriction and extra duty were suspended for a period of six months.

d. On 8 October 1994, Petitioner received NJP for disrespect towards a superior petty officer and false official statement. Punishment was reduction to paygrade E-3 and a forfeiture of \$531.

e. Upon completion of his active obligated service on 21 December 1994, Petitioner was honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

f. Petitioner reenlisted in the Naval Reserve and is presently attached to Mobile Inshore Underwater Warfare Unit 206 as a petty officer third class. His latest performance evaluation for the period of 13 April 2001 to 22 February 2002 contains an overall trait average of 3.29. His individual trait marks in the categories of personal job accomplishment/initiative and teamwork were 4.0, and all other marks were 3.0. He was recommended for advancement in the "must promote" category, recommended for retention, and was recommended for reenlistment on active duty in the TAR program. Furthermore, his commanding officer stated that "While deployed to South West Asia (SWA) as a member of CTG 53.8, (Petitioner) stood twelve hour watches as part of force protection watch team," and "(Petitioner) volunteered for a variety of tasks and work details with an extremely positive attitude." The commanding officer also noted that he served as a trainer for watchstanders. The commanding officer recommended Petitioner for sea duty and the TAR program.

g. Petitioner has submitted documentation to show that after his release from active duty, he earned a bachelor of science degree in communications management.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants more favorable action upon reconsideration. Although it appears that the original assignment of the RE-4 reenlistment code was warranted based on the evidence of record, the Board believes that it is now appropriate to assign an RE-1 reenlistment code vice the more restrictive code. This conclusion is based on the fact that Petitioner is presently a member of the Naval Reserve as a petty officer third class and would have required a waiver of the more restrictive reenlistment code in order to reenlist. Further, he has received above average performance evaluations from his Naval reserve unit, and has earned a college degree. In view of the foregoing, the Board finds that the RE-4 reenlistment code no longer is an accurate indication of Petitioner's ability to perform further military service, and it should be changed to an RE-1 reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 21 October 1994, to RE-1.

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

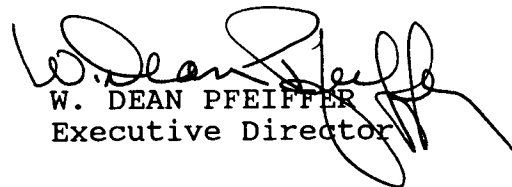
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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