



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

WMP
Docket No. 3581-02
19 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. Pfeiffer, Shy and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 18 September 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 20 June 1990 for four years at age 19 in pay grade E-1 and served without disciplinary incident. He was advanced to airman (E-3) on 16 March 1992 and, on 1 December 1992, he was designated an aviation boatswain's mate fuels airman (ABFAN).

d. Petitioner's record indicates that he completed the requirements to participate in the September 1992 Navy-wide

advancement examination for aviation boatswain's mate fuels third class (ABF3), and received a special enlisted performance evaluation on 31 August 1992 to allow him to take that examination. Petitioner's record further indicates that he was designated as an ABFAN on 1 December 1992, which would have been the date of striker designation provided for personnel who passed the September 1992 advancement examination for petty officer third class, but were not selected for advancement.

e. On 25 September 1993 Petitioner was released from active duty due to reduction in force, transferred to the Naval Reserve, and assigned an RE-3R reenlistment code.

f. Regulations require that first term personnel who do not meet the professional growth criteria be assigned either an RE-3R, if recommended for reenlistment, or an RE-4, if not recommended for reenlistment. In order to meet the professional growth criteria, the servicemember must be serving as a petty officer third class, be serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or have formerly been a petty officer in the current enlistment and be currently recommended for advancement to paygrade E-4.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. It appears to the Board that Petitioner was issued an RE-3R reenlistment code due to administrative error. In this regard, the Board concludes that Petitioner participated in the September 1992 Navy-wide advancement examination for advancement to ABF3, passed the examination and, as a result of his passing that examination, was designated as an ABFAN. Accordingly, it would appear that the Petitioner met the professional growth criteria, and assignment of an RE-3R reenlistment code was unjust, given his apparent eligibility for the more favorable RE-1 reenlistment code. In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-3R reenlistment code, assigned on 25 September 1993, to RE-1.

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 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