



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

Docket No: 8013-02
17 September 2003

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, an enlisted member of the Naval Reserve, filed an application with this Board requesting changes in the reason for discharge and reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 September 2003 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 enlisted in the Navy on 20 July 1979 at age 18. During the period 14 June 1980 to 25 April 1981 he received nonjudicial punishment on three occasions for assault, a short period of unauthorized absence, disobedience and disrespect. Based on this record, he was processed for an administrative discharge by reason of substandard performance or inability to adapt to military service. In connection with discharge the commanding officer stated that despite efforts to help Petitioner his professional performance was well below average, and he could neither grasp nor abide by the fundamental standards of military discipline. Petitioner was issued a general discharge on 12 January 1982. A general discharge was issued because he did not

have the required 3.0 average mark in conduct. At that time, he acknowledged that he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. On 11 January 1981 Petitioner was permitted to enlist in the National Guard and served until he was honorably discharged on 10 January 1997. He has submitted evidence showing that he attended a cook's course, received a perfect attendance ribbon, and his service was otherwise completely satisfactory.

e. Petitioner was granted a waiver of the RE-4 code and on 21 January 1997 he enlisted in the Naval Reserve. Since then he has served in a satisfactory manner has advanced to petty officer third class (MS3; E-4) and received good evaluations.

f. The Board considered Petitioner's case on 17 August 1999. The Board found that he was properly discharged on January 1982, but concluded as follows:

.... given his six years of service in the National Guard, his current service in the Naval Reserve and the other evidence showing he has been a good citizen, the Board concludes that no useful purpose is now served by the general discharge and it should now be recharacterized to honorable as a matter of clemency."

However, Petitioner's request for a change in the RE-4 reenlistment code was denied.

g. Petitioner is now requesting changes in the reason for his discharge and reenlistment code. With his application, he has submitted evidence showing that he is employed as a computer technician and is a long-time volunteer counselor at a youth center. He has continued to serve in an excellent manner and has been awarded two Naval Reserve Meritorious Service Medals, the Armed Forces Reserve Medal, and the Navy and Marine Corps Overseas Service Ribbon. He recently completed a 28 day period of active duty for special work in support of Operations Noble Eagle and Enduring Freedom. The DD Form 214 issued at that time shows an RE-R1 reenlistment code.

h. When a reason for discharge is found to be erroneous or inappropriate, and no other reason for discharge is warranted, the regulations allow for discharge by reason of best interest of the service or "Secretarial Authority". If an individual is so discharged, reenlistment codes from RE-1 to RE-4 are authorized.

CONCLUSION:

Upon review and consideration of all the evidence of record the

Board concludes that Petitioner's request warrants favorable action. Since Petitioner has completed over 12 years of National Guard and Naval Reserve service since his discharge on 12 January 1982, the Board believes that he has now overcome the problems which led to his discharge at that time, and further corrective action is warranted. Therefore, the Board concludes that Petitioner's record should be corrected to show that on 12 January 1982 he was discharged by reason of Secretarial Authority with an RE-1 reenlistment code.

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 reasons for changing the reason for discharge and reenlistment code.


RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 12 January 1982 he was honorably discharged by reason of Secretarial Authority with an RE-1 reenlistment code vice the reason for discharge and reenlistment code now of record.

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

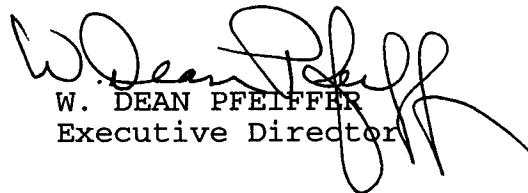
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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