



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

TRG
Docket No: 85-02
9 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, an enlisted member of the Naval Reserve filed an application with this Board requesting that his record be corrected to show a better reenlistment code than the RE-4 reenlistment code assigned on 7 December 1989.

2. The Board, consisting of Mr. Cooper, Mr. Milner and Mr. Bishop, reviewed Petitioner's allegations of error and injustice on 30 April 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 enlisted in the Naval Reserve on 4 November 1986 at age 19 and reported for three years of active duty on 8 December 1986. The enlisted performance record (page 9) shows that from 8 December 1986 through 12 July 1989 he served in a satisfactory manner with no marks below 3.4 and no disciplinary actions. During this period, he was advanced to HN (E-3). The page 9 shows that in the evaluation for the period ending 7 December 1989, he was assigned marginal marks of 3.0 in the categories of reliability and personal behavior. The overall evaluation was 3.2 and he was not recommended for reenlistment.

Petitioner was released from active duty on 7 December 1989 with his service characterized as honorable. Subsequently, he was honorably discharged at the end of his military obligation.

d. Petitioner's record contains two DD Form 214's which are identical, except that one shows that he was assigned an RE-3R reenlistment code and the other one shows an RE-4 reenlistment code. The record also contains an administrative remarks page (page 13) which states that he was being assigned an RE-3R reenlistment code, but this entry is lined out and marked void. The Record of Discharge from the U. S. Naval Reserve (Inactive) issued upon his discharge from the Naval Reserve, indicates that he was recommended for reenlistment. There is a handwritten discharge entry on the page 9, dated 3 November 1994, made by the Naval Reserve Personnel Center which states that he was recommended for reenlistment.

e. An RE-3R reenlistment code is assigned to individuals who do not meet professional growth criteria by being advanced to petty officer third class during an extended period of active duty. The code means that the individual is recommended for a probationary reenlistment during which he must advance to petty officer third class or pass an advancement examination for that rank. An RE-4 reenlistment code means that an individual is not recommended for reenlistment.

f. Petitioner states in his application that he desires to serve, but cannot do so with the RE-4 reenlistment code. He points out that he was not the subject of any disciplinary actions and has an honorable discharge. In support of his case, he has submitted references that show he has been a good employee for several years.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the conflicting entries in the record concerning an RE-3R or RE-4 reenlistment code, and speculates that Petitioner was initially to be assigned an RE-3R but it was changed at the last minute to an RE-4. Although the last performance evaluation is marginal, it is not adverse and would not mandate the assignment of the RE-4 reenlistment code. Given the circumstances, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and the conflicting entries should now be resolved in his favor. Therefore, the reenlistment code should now be changed to RE-3R.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 7 December 1989 he was assigned an RE-3R reenlistment code vice the RE-4 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.



For W. DEAN PFEIFFER
Executive Director