



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

FC
Docket No. 00353-03
9 June 2003

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
(b) OPNAVINST 1160.5C
(c) BUPERSINST 1900.8

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Navy, applied to this Board requesting that his naval record be corrected to show a reenlistment code that would allow him to reenlist instead of the RE-4 code issued at the time of his separation on 3 March 1995.

2. The Board, consisting of Mr. Pfeiffer, Mr. Haney, and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 4 June 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 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 Naval Reserve on 31 August 1992 at age 21. On 4 November 1992, he reported for 24 months of active duty. On 4 November 1994, Petitioner extended his active duty obligation for four months. During his period of active duty, Petitioner was advanced only to paygrade E-2.

d. Petitioner served without incident while on active duty and was released from active duty with an honorable characterization of service and assigned a reenlistment code of RE-4 on 3 March 1995.

e. During his two years and four months of active duty, Petitioner attained conduct and overall trait averages of 3.4 and 3.5, respectively. Further, he was recommended for advancement and retention on both performance evaluations.

f. Reference (b) requires the issuance of an RE-4 reenlistment code to individuals who have completed their enlistment and are serving in paygrades E-1 or E-2 at the time of their release from active duty. However, reference (c) authorizes an RE-7 reenlistment code for an individual such as Petitioner who satisfactorily completes a two-year period of active duty in the Naval Reserve.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action due to his satisfactory performance evaluations that clearly state he was recommended for retention and advancement, and especially considering the absence of documented legal problems or adverse comments in his service record. Accordingly, the record should be corrected to show a reenlistment code of RE-7 vice the reenlistment code of RE-4 actually assigned.

RECOMMENDATION:

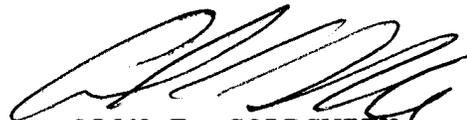
a. That Petitioner's naval record be corrected to show that Petitioner was assigned an RE-7 reenlistment code vice the RE-4 code actually assigned on 3 March 1995.

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 the this Report of Proceedings, for retention in a confidential file maintained for that purpose, with no cross reference being made a part of Petitioner's naval record.

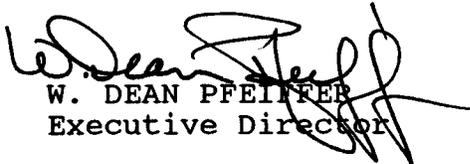
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 Regulation, 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