



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

TRG
Docket No: 1904-03
25 July 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, a former enlisted member in 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 18 January 2001.

2. The Board, consisting of Ms. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 15 July 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. Petitioner's application was filed in a timely manner.

c. Petitioner enlisted in the Naval Reserve on 28 May 1998 at age 26. Since he enlisted in the advanced pay grade program, he was temporarily advanced to petty officer third class (SK3; E-4). In the performance evaluation for the period 16 December 1998 to 15 June 1999, the individual trait average (ITA) was 3.9 and he was recommended for promotion and retention in the Naval Reserve.

d. A service record entry, dated 15 April 2000, prepared by the [REDACTED], [REDACTED], [REDACTED], states that Petitioner was being removed from a drill assignment and transferred to the Individual Ready Reserve (IRR) because of unsatisfactory drill attendance. He was not recommended for

reaffiliation with the drilling ready reserve without prior approval of the Commander, Naval Reserve Force. However, in a performance evaluation for the period 16 June 1999 to 15 June 2000, he received an ITA of 3.0 and was recommended for promotion and retention in the Naval Reserve.

e. The next entry in Petitioner's record, dated 18 January 2001, which also was prepared by the [REDACTED], states that he was being honorably discharged on that date due to unsatisfactory drill attendance with an RE-4 reenlistment code. The discharge processing documentation is not filed in the record.

f. Petitioner states in his application that he missed two drill weekends and, although he tried to reschedule the drills, he was transferred to the IRR. He believes that his discharge with an RE-4 reenlistment code on 18 January 2001 was excessive. He desires to return to a drilling status.

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 showing that he was transferred to the IRR on 16 April 2000 by [REDACTED] because of poor drill attendance, then was issued a good performance evaluation for the period ending 15 June 2000, and then was discharged by [REDACTED] on 18 January 2001 because of unsatisfactory drill attendance with an RE-4 reenlistment code. Since there is no explanation in the record for the confusing entries, and the only problem is poor drill attendance, the Board concludes that cancellation of the discharge is warranted. Therefore, the record should be corrected to show that he was not discharged with an RE-4 reenlistment code on 18 January 2001. With this correction, the record will show that he transferred to the IRR on 15 April 2000 and has remained in that status since then. The record will also continue to show that he was not recommended for reaffiliation on 15 April 2000 due to unsatisfactory drill attendance.

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 the cancellation of the discharge and that a waiver is still required before he can return to a drilling status.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 18 January 2001 but remained a member of

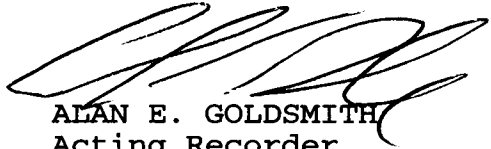
the IRR.

b. That the record continue to show that he was not recommended for reaffiliation on 15 April 2000 when he was transferred to the IRR.

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

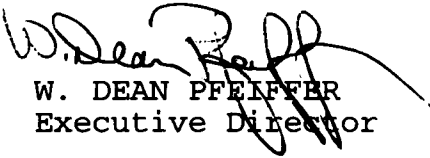
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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