



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

SJN
Docket No: 11839-09
30 August 2010

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 with 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, filed enclosure (1) with this Board requesting a change in his RE-4 reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 August 2010 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 enclosure (1) 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 reenlisted in the Navy and began a period of active duty on 16 November 1998. He served for over seven years and received a Good Conduct Medal and two Navy Achievement Medals. Although the record reflects that he failed the physical fitness assessment (PFA) on five occasions in a four year period, he was advanced to petty officer first class (paygrade E-6) and his evaluations reflect generally excellent performance.

d. Petitioner signed an enlisted performance evaluation for the period covering 16 November 2005 to 9 May 2006, in which he was not recommended for advancement or retention. That evaluation assigned adverse marks in military bearing, but satisfactory marks in all other categories. The evaluation also notes that he failed the body fat portion of the PFA during the fall 2005 PFA cycle. On 9 May 2006, he was honorably discharged from active duty and assigned an RE-4 reenlistment code.

e. With his application, he submitted a letter from his doctor stating, in part, that he had determined that his body fat is currently 19 percent, and that he has had remarkable success with significant weight loss through a combination of dieting and exercise. The reenlistment code of RE-4 means that he is not recommended for reenlistment. However, he could have been assigned a reenlistment code of RE-3F, meaning that he repeatedly failed the PFA.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action based on his overall record of military service, to include promotion to petty officer first class, one Good Conduct Medal, and two Navy Achievement Medals. The Board therefore concludes that the interest of justice would be better served by changing his reenlistment code to RE-3F.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 9 May 2006, he was issued an RE-3F reenlistment code vice the RE-4 code actually issued on that date.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

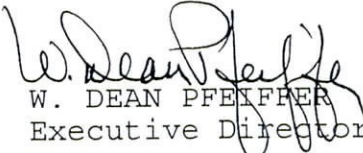
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 10 November 2009.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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


BRIAN J. GEORGE
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