



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

MEH:ddj  
Docket No: 1387-01  
17 April 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) CMC memorandum 1001 MMEA of 2 April 2001  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to establish entitlement to a zone "B" Selective Reenlistment Bonus (SRB) for Military Occupational Specialty (MOS) 0844.

2. The Board, consisting of Mr. Frankfurt, Mr. Leeman, and Ms. Wiley, reviewed Petitioner's allegations of error and injustice on 17 April 2001 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 End of Active Service (EAS) was 10 January 2001. He requested a reenlistment document on 23 August 2000 so that he could reenlist with his current shop, which was being realigned on 1 October 2000, and also to avoid losing 30 days of leave. The reenlistment had to occur before 30 September 2000 to entitle him to the SRB for his MOS, however, he states that his last reenlistment only took about 2 weeks for all the paperwork.

c. Approximately one week later Petitioner received notification that a copy of his five year physical had to be submitted with his reenlistment package. Petitioner works out of the recruiting substation at Rutland, Vermont and his command is located 2 hours away at Ballston Spa, New York, outside his recruiting area of responsibility. Due to the distance, and the nature of recruiting duty, i.e, long, oftentimes unusual hours, it was several days

before he had an opportunity to drive to Ballston Spa. After obtaining a copy of his physical he faxed it to his Admin Section.

c. The package was forwarded from his command to Headquarters, Marine Corps (HQMC) about a week later.

d. On the 25th of September he was informed the Body Fat Percentage block was left blank on his application and his body fat percentage would have to be verified before the application was processed.

e. Again, due to the distance between his command and his area of responsibility, and the long working days, it took several days to arrange for a body fat measurement. This was also the end of the fiscal year for recruiting and therefore an extremely busy time.

f. Petitioner's body fat measurements were taken on 30 September 2000 and were within acceptable standards. Although this was the last day he could reenlist and still be eligible for the bonus he states he was told the reenlistment was "just a fax and phone call away."

g. MMEA-6 states that the body fat certification was not faxed to them until 8 November 2000, more than a month after the measurement were taken and the SRB cutoff date. It is unclear why the measurements were not sent out immediately after being taken on 30 September 2000.

h. MMEA-6 approved Petitioner for a 48 month reenlistment on 13 November 2000.

i. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application recommended denial.

## CONCLUSION

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (2), the Board finds the existence of an injustice warranting the requested relief. The Board noted that Petitioner is located at a recruiting substation in Rutland, Vermont and that his records are maintained in Ballston Spa, New York, a 2 hour drive. As a recruiter he often worked long and/or unusual hours and it was not always possible to make the trip to New York in a timely manner. Also, his body fat measurements were taken at his command on 30 September 2000, but not faxed to MMEA-6 until 8 November 2000. No explanation was given for the delay.

Accordingly, the Board recommends the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

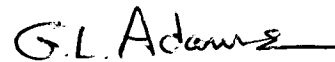
a. He was discharged and reenlisted on 29/30 September 2000, vice on or about 4 December 2000. The term remains 48 months.

b. This change will entitle member to a zone "B" SRB, multiple of 2, for MOS 0844.


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

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 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.

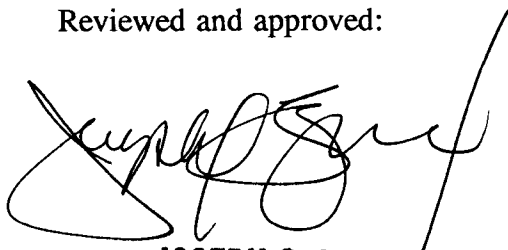
ROBERT D. ZSALMAN  
Recorder

  
G. L. ADAMS  
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action

  
For W. DEAN PFEIFFER  
Executive Director

Reviewed and approved:

 JUL 16 2001  
**JOSEPH G. LYNCH**  
Assistant General Counsel  
(Manpower And Reserve Affairs)