



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

ELP
Docket No. 4361-01
12 October 2001

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 w/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, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Ensley, Lippolis, and Shy reviewed Petitioner's allegations of error and injustice on 11 October 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 application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 28 August 1996 for four years. The record reflects that he served without incident until 22 December 1997 when he received nonjudicial punishment for an unspecified period of unauthorized absence, failure to obey a lawful order, and drinking on duty. Punishment imposed

consisted of 45 days of restriction and extra duties, and forfeitures of one half of one month's pay for two months. The restriction and forfeitures, with the exception of \$50, were suspended.

d. Petitioner continued to serve without further incident, was advanced to GM3 (E-4), and extended his enlistment for seven months.

e. On 7 February 2001, the USS CUSHING transferred Petitioner to the Transient Personnel Unit at Puget Sound, WA for separation processing. The Evaluation Report and Counseling Record submitted upon transfer recommended Petitioner for both retention and promotion. Petitioner requested and was granted terminal leave from 15 February to 27 March 2001.

f. On 27 March 2001, Petitioner was honorably released from active duty, transferred to the Naval Reserve and assigned an RE-4 reenlistment code. That code is the least favorable reenlistment code, and means that he is not recommended for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner had only one disciplinary action for relatively minor offenses in more than four years of active service. Subsequent to that action, he was advanced to GM3, served without incident, and was recommended for both reenlistment and retention. The Board notes that Petitioner was granted terminal leave eight days after his arrival at the TPU, for a period that carried him to the expiration of his enlistment as extended. The record contains no basis for the assignment of the most restrictive RE-4 reenlistment code, and the Board believes it was assigned in error. Accordingly, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-1.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 27 March 2001, to RE-1.

b. That a copy of the 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