



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

ELP
Docket No. 5382-01
14 December 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 her reenlistment code be changed..

2. The Board, consisting of Messrs. Pfeiffer, McCulloch, and Leeman reviewed Petitioner's allegations of error and injustice on 12 December 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 20 December 1993 for four years at age 19. The record reflects that on 14 February 1997, in exchange for orders, she extended her enlistment for an additional period of 24 months.

d. Petitioner's Evaluation Report and Counseling Record for the period 10 October 1998 to 14 June 1999 was submitted upon her frocking to YN2 (E-5) and marked her as 4.0 ("above standards") in all rating categories. The reporting senior stated that she demonstrated uncommon initiative and her personal drive, technical expertise, and dedication to duty maintained the efficiency of the personnel office during decreased manning. She was marked "must promote" and recommended for retention. She was advanced to YN2 on 16 December 1999. Her next evaluation report was a "not observed" report submitted upon her release from active duty. That report noted that she had been a student "not under instruction" from 6 August to 9 November 2000.

e. An Administrative Remarks (page 13) entered in Petitioner's record incident to her release from active duty stated that she was eligible for reenlistment except for the disqualifying factor (RE-4) and that she could not reenlist in the Regular Navy without prior approval of the Bureau of Naval Personnel. The reason cited was her failure to acquire additional obligated service for a school she apparently completed.

f. On 9 November 2000, Petitioner was honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. Petitioner's normal expiration of enlistment, as extended, was 19 December 1999. No other extensions are on file in the record. The DD Form 214 shows that her extension of service was at the request and convenience of the government.

g. Petitioner states that she received an RE-4 reenlistment code because she failed to reenlist or extend for six months after completion of a 10-day course. She claimed that personal problems at home required her to leave the service.

h. Regulations require the assignment of an RE-4 reenlistment code to individuals who fail to incur the additional obligated service required for attendance at a school.

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 was promoted to YN2, was an above average performer, and had completed nearly seven years of unblemished service when she was released from active duty. The Board is aware of the regulation requiring the assignment of an RE-4 reenlistment code to individuals who fail to incur obligated service upon completion of a school or course. However, the Board believes assignment of the most restrictive RE-4 reenlistment code was unduly severe given her good record and the relatively short duration of the period of instruction at issue. The Board believes that assignment of such a code was self-defeating since she apparently completed the course and acquired skills that could be used during subsequent service. Accordingly, the Board concludes that it would be appropriate and just to change the RE-4 reenlistment code to RE-1 and remove the 13 entry that states she is not eligible for reenlistment.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 9 November 2000, to RE-1.

b. That Petitioner's record be further corrected by removing the page 13 entry that she may not be reenlisted with approval of the Bureau of Naval Personnel.

c. 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.

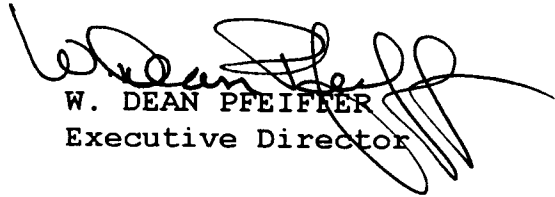
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

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 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