



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

TRG
Docket No: 7553-00
23 August 2001

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) 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 United States Navy filed enclosure (1) with this Board requesting a change in the RE-4 reenlistment code assigned on 11 January 1990.

2. The Board, consisting of Mr. Shy, Mr. Pfeiffer and Mr. Zsalman, reviewed Petitioner's allegations of error and injustice on 21 August 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. Although it appears that Petitioner's application 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 enlisted in the Navy on 27 July 1989 at age 18. He satisfactorily completed initial training and on 17 November 1989 he reported aboard the USS KISKA (AE 35). Twenty-eight days later he was transferred to a naval hospital for evaluation. Subsequently, a medical board recommended discharge because he had a physical disability which existed prior to his entry into the Navy. He was honorably discharged on 11 January 1990 by reason of physical disability in pay grade E-1. At that time he was not recommended for reenlistment and was

assigned an RE-4 reenlistment code.

d. The Board has been unable to obtain the medical board and the nature of Petitioner's disability is unknown. However, he has submitted a statement to the effect that the disability was an ankle problem which has since been fixed. He has submitted a note from a doctor which indicates that he is free of any medical condition.

e. The Board is aware that regulations allow for the assignment of an RE-3P or an RE-4 reenlistment code when an individual is discharged because of a physical disability. The regulations also require the assignment of an RE-4 reenlistment code when an individual is separated in pay grade E-1 following an extended period of active duty.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was never evaluated in his short period of active duty, but he apparently served in a satisfactory manner. The Board also notes that he is required to serve nine months on active duty to be eligible to be advanced to pay grade E-2. Since he served less than five months, he had no opportunity to be advanced. Given the circumstances, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and it should now be changed to RE-3P. The RE-3P code will alert recruiters that the issue of his physical condition will have to be resolved before reenlistment can be authorized.

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 reason for the change in the reenlistment code.

RECOMMENDATION:

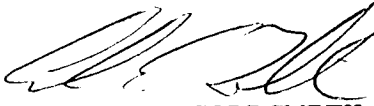
a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 11 January 1990 he was assigned an RE-3P reenlistment code vice the RE-4 reenlistment code now of record.

b. 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

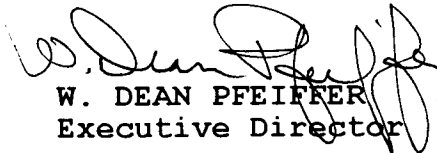
complete record of the Board's proceedings in the above entitled matter.

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