



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

TRG

Docket No: 8083-00
5 October 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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed an application with this Board requesting that his record be corrected to show a better reenlistment code than the RE-4 reenlistment code assigned on 17 July 1992.

2. The Board, consisting of Mr. Pfeiffer, Mr. Whitener and Mr. Beckett, reviewed Petitioner's allegations of error and injustice on 2 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. 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 Naval Reserve 2x8 program (eight years in the reserves which includes two years of active duty) on 17 September 1990 at age 19. He reported for two years of active duty on 26 September 1999. On 16 July 1991 he was advanced to SA (E-2). The enlisted performance record (page 9) shows that for the period ending 14 July 1992 he was assigned a mark of 3.6 in the category of rate knowledge, and marks of 3.8 in every other category. The page 9 also shows that he was recommended for reenlistment but was administratively assigned an RE-4 reenlistment code for failure to achieve career growth

requirements. He was released from active duty on 17 July 1992 as an SA. As indicated, he was assigned an RE-4 reenlistment code.

d. Regulations in effect at the time of Petitioner's service required the assignment of an RE-4 reenlistment code to individuals who did not meet professional growth requirement by advancing to pay grade E-3 during a period of extended active duty. On 28 June 1993, about 11 months after Petitioner's release from active duty, the regulations were changed to allow for the assignment of an RE-7 reenlistment code to individuals completing the initial 2-year active duty obligation under the 2x8 Naval Reserve program. An individual with this code is eligible for reenlistment if otherwise qualified. The Board notes that the minimum service requirement to be advanced from E-1 to E-3 is 18 months. Therefore, individual in the 2x8 program really did not have much of an opportunity to be advanced to E-3. As indicated, Petitioner served 1 year, 9 months, and 22 days of active service.

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 served in an excellent manner and did not have much of an opportunity to be advanced to pay grade E-3. Given those factors and the change in regulations, which occurred less than a year after his release from active duty, the Board concludes that the assignment of the RE-4 reenlistment code is no longer appropriate. Therefore, the RE-4 reenlistment code should now be changed to RE-7 as an exception to the policy that was in effect on 17 July 1992, when he was released from active duty.

The Board further concludes that this Report of Proceedings be filed in Petitioner's naval record so that all future reviewers will understand the reason for the assignment of the RE-7 reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 17 July 1992 he was issued an RE-7 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

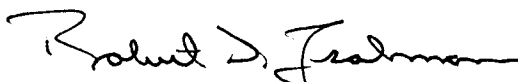
complete record of the Board's proceedings in the above entitled matter.

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.



For W. DEAN PFEIFFER
Executive Director