



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

TRG
Docket No: 8179-01
25 April 2002

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 Navy filed enclosure (1) with this Board requesting that his record be corrected to show a better reenlistment code than the RE-4 reenlistment code assigned on 24 November 1998.
2. The Board, consisting of Mr. McPartlin, Ms. Nofziger and Ms. Suiter, reviewed Petitioner's allegations of error and injustice on 23 April 2002 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. Enclosure (1) was filed in a timely manner.
 - c. Petitioner reenlisted in the Navy on 25 December 1993 for four years and subsequently extended that enlistment for 22 months. At the time of his reenlistment he had completed about 18 months of active duty in the Naval Reserve.
 - d. The record shows that Petitioner then served in an excellent manner for over five years and was advanced to AZ2 (E-5). In the performance evaluation for the period 4 December 1997 to 15 March 1998, he was assigned no marks below 3.0 and the individual trait average (ITA) was 3.57. He was recommended for promotion and retention in the Navy. In the performance evaluation for the period 16 March to 24 November 1998 he was

assigned marks of 2.0 (Progressing) in the categories of equal opportunity, military bearing/character and leadership. The ITA was 2.71 and he was not recommended for promotion and retention in the Navy, The evaluation comments state, in part, as follows:

.... Member has become an administrative burden to the command. Received civil conviction for battery/domestic violence on 27 Jun 98. His personal problems preclude him from consideration for retention at this time.

The evaluation was signed by Petitioner and he did not elect to make a statement. On 24 November 1998 he was honorably discharged by reason of completion of required active service. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code. He had completed 7 years, 8 months and 12 days of active service.

e. Petitioner is requesting a change in the reenlistment code so that he can reenter the Navy. He admits that he had personal problems at the time but states that he is no longer married.

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 had about seven years of excellent service before the incident which led to his last poor performance evaluation. Although the details of the offense which led to his conviction by civil authorities of battery and domestic violence are unknown, it is clear that he did not serve any confinement, and the offense was not sufficiently serious to warrant processing for administrative separation. Given the isolated nature of his offense and his otherwise excellent record, the Board concludes that although the RE-4 reenlistment code was properly assigned on 24 November 1998 that no useful purpose is now served by that code and it should now be changed to RE-1.

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 to show that on 24 November 1998 he was assigned an RE-1 reenlistment code vice the RE-4 reenlistment code now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

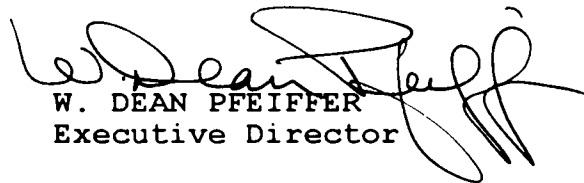
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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