



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

TRG
Docket No: 8201-01
5 November 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

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 an RE-3 reenlistment code vice the RE-4 reenlistment code now of record.

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 30 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 16 July 2001 at age 19. On 31 July 2001 he was notified of separation processing due to erroneous enlistment as evidenced by a broke bone in his left foot. In connection with this processing, he elected to waive his procedural rights. On 1 August 2001 the separation authority directed an entry level separation and he was so separated that same day. The narrative reason for separation is "Failed Medical/Physical Procurement Standards", and the Separation Program Designator (SPD) code is "JFW".

d. Petitioner states that he informed his recruiter of the broken bone in his foot, which had been repaired with a pin, and he subsequently passed his enlistment physical. However, the doctor at recruit training recommended his separation because a

waiver of his physical condition was required prior to enlistment. He desires to reenlist but can not be processed for a waiver with the RE-4 reenlistment code.

e. Reference (b) states that individuals separated with an SPD of JFW must either be assigned an RE-3Q or an RE-4 reenlistment code. An RE-3Q is only assigned to officer candidates and the RE-4 reenlistment code is the only code that fits Petitioner's circumstances. The Board is aware that the only other reason for separation that arguable fits the circumstances of his case is "Erroneous Entry (other)". This reason is assigned if an individual would not have been enlisted if the disqualifying factor had been known. The SPD code of "JFC" is assigned with that narrative reason for separation and the assignment of the full range of reenlistment code is authorized, including an RE-3E code.

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's only problem in recruit training was the foot injury. Additionally, Petitioner's failure to meet the physical procurement standards means that he should not have been enlisted. Accordingly, his enlistment was erroneous. Had the narrative reason for separation been erroneous enlistment, he could have received an RE-3E reenlistment code. The Board believes that reference (b) should provide for an RE-3 reenlistment code in cases such as this. Given the circumstances, the Board believes that since the physical condition may be considered for a waiver, an RE-4 reenlistment code is inappropriate. Therefore, the Board concludes the reenlistment code which most closely fits the circumstances is an RE-3E reenlistment code, and such a code should now be assigned as an exception to policy. The RE-3E code will alert recruiters that there is a problem that must be resolved before enlistment can be authorized, but will not preclude consideration for an enlistment waiver.

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 assignment of the RE-3E reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 1 August 2001 he was assigned an RE-3E 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.



FR W. DEAN PFEIFFER
Executive Director