



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

TRG
Docket No: 8376-00
13 June 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
(2) 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 that his record be corrected to show a better reenlistment code than the RE-4 code assigned on 13 July 2000.

2. The Board, consisting of Mr. Ensley, Mr. Pfeiffer and Mr. Cooper, reviewed Petitioner's allegations of error and injustice on 6 June 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 reenlisted in the Navy on 14 July 1994 for six years. During this enlistment he was awarded his second good conduct medal and was advanced to AC1 (E-6). In his performance evaluations for the period 16 June 1996 to 1 July 1999, he had no individual trait average (ITA) below 3.29 and a "must promote" recommendation. In the evaluation for the period ending 1 July 1999, the ITA was 4.29 and he was recommended for early promotion.

d. After completing the Advanced Radar Air Traffic Control Course Petitioner reported to the Naval Air Warfare Center, Patuxent River, MD on 9 September 1999. In the performance

evaluation for the period 17 December 1999 to 13 July 2000 his ITA was 3.86 with a "must promote" recommendation and a recommendation for retention. The evaluation comments state, in part, as follows:

... Outstanding Air Traffic Controller. A strong asset to his watch team and the Air Traffic Control Division.

....

He was honorably discharged on 13 July 2000 at the expiration of his enlistment. At that time, he had completed 8 years, 3 months and 27 days of active service. The record shows that he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. Petitioner states that he was assigned the RE-4 reenlistment code because he did not complete the required two year tour at his last duty station. He made the decision to get out of the Navy because he wanted to move his wife and children to be near family members. He regrets his hasty decision and desires to reenlist and complete his career in the Navy.

f. Although documentation to explain the assignment of the RE-4 reenlistment code is not available, the Board is aware that individuals who reenlist early could suffer a reduction in their reenlistment bonuses. Those individuals are routinely sent to school and issued orders if they agree to extend or reenlist at the expiration of enlistment to complete the required tour. The penalty for those who violate their agreement is the assignment of an RE-4 reenlistment code.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that Petitioner did not extend or reenlist as he had agreed and the RE-4 reenlistment code was correctly assigned. However, the Board notes his excellent record in the Air Traffic Control rating, his admission that he made an error when he elected to be discharged, and his desire to again serve in the Navy. The Board believes that the Navy would benefit from the reenlistment of this well qualified petty officer. Therefore, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and it should now be changed to RE-1 so that he will be eligible to apply for reenlistment.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand why the RE-4 reenlistment code was

assigned and the reason for the change in the code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 13 July 2000 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