



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

WMP  
Docket No. 2698-02  
28 August 2002

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 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, applied to this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Messrs. Zsalman, Pfeiffer, and Pauling, reviewed Petitioner's allegations of error and injustice on 28 August 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. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 17 June 1997 for four years at age 25 in pay grade E-1. Petitioner was advanced to petty officer third class on 16 December 1999 and served without incident while on active duty.

d. During almost two years of service as a third class petty officer, Petitioner received four performance evaluations that assigned overall trait averages of 3.00, 3.00, 3.14, and 3.00, respectively. The evaluation for the period of 16 June 2000 to 1 November 2000 completed on the USS KITTY HAWK (CV-63) assigned

performance trait marks of 3.0 in all performance categories with the exception of "Teamwork", which was rated as 4.0. The commanding officer remarked that "(Petitioner) has had a significant impact on KITTY HAWK's . . . and damage control readiness" and "(Petitioner) has been a valuable team player with virtually unlimited potential." The commanding officer also recommended him for retention and for advancement in the "Promotable" grouping.

e. Petitioner was released from active duty on 16 June 2001 due to the completion of required active service and transferred to the naval reserve and assigned 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. It appears to the Board that Petitioner may have been issued an RE-4 reenlistment code due to administrative error and not due to the commanding officer's non-recommendation for reenlistment. In this regard, the Board notes the average marks on the last four performance evaluations, and concludes that Petitioner was clearly recommended for retention and advancement. Without substantial documentation that states that he was not recommended for advancement or reenlistment, the Board believes that assignment of an RE-4 reenlistment code was unjust, given his apparent eligibility for the more favorable RE-1 reenlistment code. In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

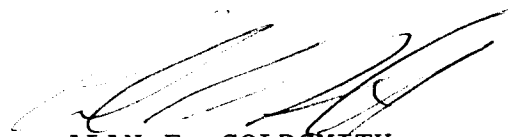
a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 16 June 2001, to RE-1.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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