



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

TRG
Docket No: 6674-01
2 October 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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the 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 1 May 2001.

2. The Board, consisting of Mr. Brezna, Mr. Kastner and Mr. Pauling, reviewed Petitioner's allegations of error and injustice on 1 October 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 was filed in a timely manner.

c. Petitioner reenlisted in the Navy for six years on 2 July 1993 and subsequently extended that enlistment for 22 months. On 15 December 2000 he signed an Administrative Remarks (page 13) entry which states as follows:

In consideration of assignment to being unable at this time to incur obligated service without potential monetary loss, I agree to reenlist or extend my enlistment when eligible for a period which equals or exceeds the obligated service requirement for this assignment. I have been fully advised/counseled that any refusal to incur the required obligated service will result in assignment of an RE-4 reenlistment code.

Petitioner was permitted to execute this entry instead of reenlisting or extending his enlistment because either of these actions might have adversely affected the amount of his reenlistment bonus. However, Petitioner elected not to reenlist and was honorably discharged at the expiration of his enlistment, as extended, after 11 years, 3 months and 1 day of active service. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner was granted a waiver of the reenlistment code and enlisted in the Naval Reserve on 30 June 2001. Since then, he has performed in an excellent manner and completed a two week period of annual training.

e. Petitioner states in his application that his wife had an affair while he was attending the senior enlisted damage control course, and she left him to care for three minor children. Because of this situation he felt he had to leave the Navy. He states that he has since reconciled with his wife and desires to again serve in the Regular Navy.

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 the RE-4 reenlistment code was properly assigned because he was required to extend or reenlist in exchange for training, but he elected to be discharged in violation of his agreement. However, the Board also notes his excellent record, the personal problems that led to his decision to be discharged, the action taken to allow enlistment in the Naval Reserve, and his desire to return to active duty. The Board concludes that although it was properly assigned, no useful purpose is now served by the RE-4 reenlistment code and it should be changed to an RE-1 reenlistment code.

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 by issuing a DD Form 215 to show that on 1 May 2001 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.

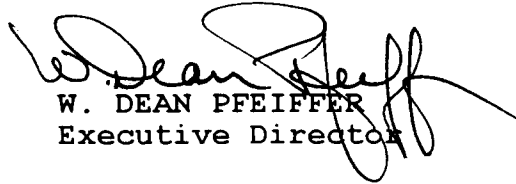
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



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