



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

ELP

Docket No. 6887-00
23 March 2001

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 United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Ms. Wiley, Messrs. Ivins and McPartlin reviewed Petitioner's allegations of error and injustice on 21 March 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. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Navy on 24 November 1989 for six years as a GSM3 (E-4). At the time of his reenlistment, he had completed nearly four years of prior active service.

d. Petitioner was promoted to GSM1 (E-6) on 16 June 1995. His enlisted performance evaluation for the period from 16 January to 17 October 1995 assigned him an adverse mark of 2.8 in the category of military bearing. The reporting senior noted that Petitioner's only problem was weight control. He had spent 12 months in a command directed physical conditioning program, had not been able to maintain acceptable physical readiness standards, and had failed to meet those standards for the third time in the last two years. He was not recommended for advancement or retention.

e. On 22 November 1995, Petitioner was honorably discharged by reason of "completion of required active service" and assigned an RE-4 reenlistment code. He had completed nearly 10 years of active service at the time of his discharge with no disciplinary actions.

f. Regulations authorize the assignment of an RE-3T reenlistment code to individuals ineligible to reenlist upon expiration of enlistment due to their failure to meet weight standards. An RE-3T reenlistment code means the individual is eligible for reenlistment except for the disqualifying factor of being overweight. This code may be waived by recruiting officials if the disqualifying factor no longer exists. An RE-4 reenlistment code means that an individual is not eligible for reenlistment without the prior approval of Commander, Navy Personnel Command.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes that Petitioner had no disciplinary actions in nearly 10 years of service and was not recommended for retention only because he failed to meet weight control standards. The Board believes that assignment of the most restrictive RE-4 reenlistment code was unduly harsh and he should not be denied an opportunity to reenlist at a future date if he can meet Navy weight standards and is qualified in all other respects. Accordingly, the Board concluded that it would be appropriate and just to change his reenlistment code to RE-3T.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 22 November 1995, to RE-3T.

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 references being made a part of Petitioner's naval record.

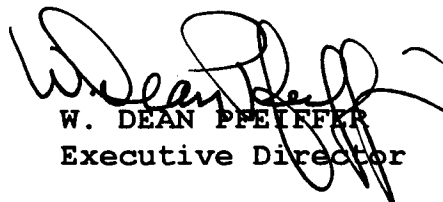
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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