



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

TRG  
Docket No: 7428-01  
7 February 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, a former enlisted member of the Navy filed an application with this Board requesting that the RE-4 reenlistment code issued on 30 May 1997 be changed to RE-1.

2. The Board, consisting of Mr. Brezna, Mr. Pfeiffer and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 5 February 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. Although it appears that Petitioner's application 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 7 April 1995 for four years. At that time, he had completed about five years of active service on a prior enlistment. Entries in the record, dated 26 September 1996 and 27 March 1997, reflect his second and third failures of the physical readiness test (PRT). He failed because his body fat percentage was 25% and 23% respectively. Subsequently, he failed the run portion in the next PRT. Since this was his fourth failure, he was processed for an administrative discharge.

d. On 6 May 1997 Petitioner was notified of separation

processing. In connection with this processing, he elected to waive his right to have his case heard by an administrative discharge board. Subsequently, the commanding officer directed an honorable discharge. In the performance evaluation for the period 16 June 1996 to 30 May 1997, he was assigned an adverse mark of 1.0 in military bearing/character, marginal marks of 2.0 in two other categories, and satisfactory marks of 3.0 in four categories. He was not recommended for retention or promotion. However, the evaluation comments state, in part, as follows:

Failed the run/walk section of the Navy PRT exam and failed to meet weight standards for three consecutive examinations.

A team player. Excellent performance as a locksmith. Provided around the clock lock repair and safe opening services to ships and submarines in the Pearl Harbor area. Worked to high standards and ensured that every locksmith task was done to the full satisfaction of the customer.

Petitioner was honorably discharged on 30 May 1997 due to weight control failure. He was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

e. Regulations allow for the assignment of an RE-3T or an RE-4 reenlistment code when an individual is discharged due to weight control failure.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the apparent contradiction in the last evaluation between the marks assigned and the favorable comments. This inconsistency leads the Board to believe that Petitioner was not recommended for reenlistment solely because of his PRT problems. Given the circumstances, the Board concludes that Petitioner was properly discharged due to weight control failure, but that the assignment of the RE-4 reenlistment code was inappropriate and should now be changed to the less restrictive RE-3T reenlistment code. This code will alert recruiters that there is a problem which must be resolved before reenlistment can be authorized. As indicated, there is no basis in the regulations to support his request for 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:

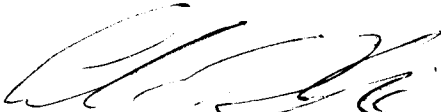
a. That Petitioner's naval record be corrected to show that on 30 May 1997 he was assigned an RE-3T reenlistment code vice the RE-4 reenlistment code now of record.

b. That Petitioner's request for a change to an RE-1 reenlistment code be denied.

c. 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