



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

ELP
Docket No. 7518-01
28 February 2002

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
[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, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Caron, Novello, and Kim, reviewed Petitioner's allegations of error and injustice on 27 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. Petitioner's application to the Board was filed in a timely manner.

c. The records provided for the Board's review in Petitioner's case were incomplete. However, available records reflect that Petitioner reenlisted in the Navy on 15 July 1996 for two years as an HN (E-3). At the time of his reenlistment,

he had completed nearly six years of active service. During his prior enlistment, he was twice awarded the Navy Achievement Medal, once for rescuing a grievously injured Marine. Petitioner extended his last enlistment for an additional period of four months on 7 October 1996 and was advanced to HM3 (E-4) on 16 June 1997. He was honorably discharged on 14 November 1998 and assigned an RE-4 reenlistment code. At the time of his discharge, he had completed a total of eight years and 19 days of active service. During his service, he earned two Good Conduct Medals, indicating he had received no disciplinary actions.

d. An RE-4 reenlistment code means that an individual is not recommended for retention and may not reenlist without prior approval from Commander, Navy Personnel Command. The record contains no explanation as to why Petitioner was assigned an RE-4 reenlistment code. At the time of Petitioner's discharge, regulations provided for a high year tenure (HYT) limit of 10 years for individuals serving in pay grade E-4. This means that an individual serving in pay grade E-4 was eligible to reenlist/extend provided the enlistment and/or extension did not obligate the service member for more than 10 years of total active service. In June 2000, the HYT limit was changed to 12 years.

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 assigned an RE-4 reenlistment code because a minimum two-year enlistment contract would have exceeded the then existing HYT limit of 10 years. However, the Board believes assignment of an RE-4 reenlistment code seems unjust since his record shows he earned two Good Conduct Medals and was twice decorated, once for rescuing a grievously injured Marine. The Board also notes that subsequent to Petitioner's discharge, the HYT limit was extended to 12 years. Absent evidence to the contrary, the Board concludes that it would be appropriate and just change the reenlistment code to RE-1.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 14 November 1998, 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 references being made a part of Petitioner's naval record.

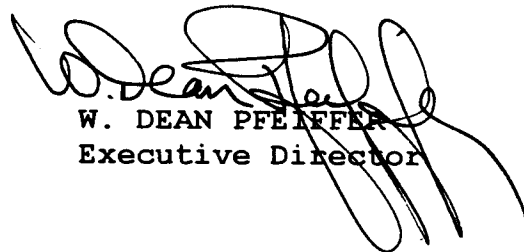
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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