



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

FC
Docket No. 02796-03
27 October 2003

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
(b) BUPERSINT 1900.8

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, applied to this Board requesting that his naval record be corrected to show a more favorable reenlistment code.

2. The Board, consisting of Mr. [REDACTED] Mr. [REDACTED] and MR. [REDACTED], reviewed Petitioner's allegations of error and injustice on 22 October 2003, 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 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 enlisted in the Naval Reserve and commenced twenty four months of active duty on 9 February 1992 at age 24. He served without incident until he was honorably released from active duty on 8 February 1994. At that time, an RE-4 reenlistment code was assigned.

d. On 8 February 1994, Petitioner received a separation performance evaluation. The overall performance mark average was an outstanding 4.0. In the narrative comments, Petitioner was strongly recommended for advancement and retention.

e. Reference (b) authorizes the assignment of an reenlistment code of RE-7 to a Naval Reservist who completes an initial twenty-four month period of active duty.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action due to the fact that he was recommended for advancement and retention on his separation evaluation, and especially the absence of documented legal problems or adverse comments in his service record. Accordingly, the record should be corrected to show a reenlistment code of RE-7 vice the reenlistment code of RE-4 actually assigned.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 8 February 1994, Petitioner was assigned an RE-7 reenlistment code vice the RE-4 code actually assigned on that date.

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.

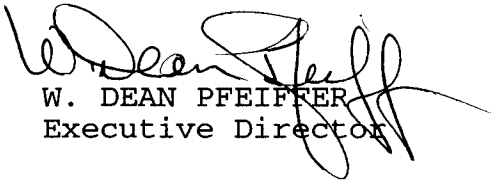
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of the this Report of Proceedings, for retention in a confidential file maintained for that purpose, with no cross reference being made a part of Petitioner's naval record.

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 Regulation, 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