



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

TRG
Docket No: 9410-07
20 February 2008

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 member of the Naval Reserve, filed an application with this Board requesting that his RE-4 reenlistment code be changed and that the primary specialty code entered on his DD Form 214 be changed.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 5 February 2008 and, pursuant to its regulations, determined that the limited 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 consider the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 29 May 1991 at age 22. On 1 May 1991 he reported for two years of active duty. On 16 February 1992 he was advanced to seaman apprentice (SA; E-2). His enlisted performance record shows that he was assigned no marks below 3.6 and there is no explanation in the record concerning his failure to advance to E-3. He was released from active duty on 30 April 1993 with his service characterized as honorable. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code. He did not participate as a drilling reservist and was honorably

discharged on 28 March 1999 at the end of his eight year military obligation and was not recommended for reenlistment at that time.

d. Regulations required nine months service in paygrade for advancement from E-2 and to E-3. Therefore, Petitioner would not have been eligible for advancement to E-3 until November 1992. Regulations require the assignment of an RE-4 reenlistment code when an individual does not advance to E-3 during a period of extended active duty. However, since Petitioner's release from active duty, it has been determined that individuals with only a two year active duty obligation presented a special case because they did not have much of an opportunity to be advanced and the assignment of an RE-4 reenlistment code prevented them from affiliating with a reserve unit. On 28 June 1993, the regulations changed to allow the assignment of an RE-7 reenlistment code to individuals completing a two year active duty obligation.

e. Concerning a change in Petitioner's primary specialty code, the Board believes that the code can be administratively corrected by the Navy Personnel Command if it is found to be in error.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial favorable action. Petitioner served in an excellent manner but was not advanced to E-3, and he desires a change in the reenlistment code so that he can serve in the military again. Given the circumstances, the Board concludes that the RE-4 reenlistment code should now be changed to an RE-7 as an exception to policy which was in effect at the time of his release from active duty. His record should then be corrected to show that he was recommended for reenlistment upon completion of his eight year military obligation.

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 reasons for the corrections to Petitioner's record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 30 April 1993 he was assigned an RE-7 reenlistment code vice the RE-4 reenlistment code now of record.

b. That Petitioner's record be further corrected to show that at the end of his military obligation on 28 March 1999 he was

recommended for reenlistment.

c. That administrative action be taken to correct Petitioner's primary specialty code if such a correction is warranted by the service record.


d. 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


BRIAN J. GEORGE
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.


For W. DEAN PFEIFFER
Executive Director