



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

SMW

Docket No: 10718-07

31 July 2008

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) Case Summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting to change his RE-4 reenlistment code that was assigned on 30 December 1992, when he was honorably discharged.

2. The Board, consisting of Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 July 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 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. On 31 October 1986, Petitioner reenlisted in the Navy at age 25. On 30 June 1987, a recommendation for advancement was withdrawn due to a weight problem. On 5 August 1987, he

acknowledged receiving a derogatory performance evaluation. On 10 September 1987 and 28 February 1991, he was recommended for advancement.

d. On 30 December 1992, a service record entry was made which stated that Petitioner was being discharged due to high year tenure and was not eligible to reenlist. On 30 December 1992, he was honorably discharged by reason of completion of required active service due to high year tenure and assigned an RE-4 reenlistment code.

e. In his application, Petitioner states that he was discharged from the Navy because of high year tenure and believes that he should have received an RE-6 reenlistment code.

f. Regulations authorize assignment of an RE-6 reenlistment code to service members who are not eligible for reenlistment due to high year tenure.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, the Board finds that with the exception of being assigned to a remedial physical fitness program, he was subsequently recommended for advancement on two occasions and had no disciplinary infractions. The Board also finds that regulations authorize assignment of an RE-6 reenlistment code to service members who are ineligible to reenlist due to high year tenure. Accordingly, the Board concludes that Petitioner's record should be corrected to show that he was assigned an RE-6 reenlistment code.

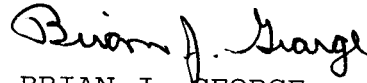
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned an RE-6 reenlistment code on 30 December 1992, vice the RE-4 actually assigned on that date.


b. 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 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