



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

SJN
Docket No: 06987-08
22 May 2009

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with 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, filed enclosure (1) with this Board requesting a change in his RE-4 reenlistment code.

2. The Board, consisting of Mr. [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 May 2009 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy and began a period of active duty on 10 November 1998 at age 21. He served for over eight years without disciplinary action and received the Good Conduct Medal. Although the record reflects that he failed the physical fitness assessment (PFA) on three occasions in a four year period, he was advanced to petty officer second class and his evaluations reflect generally excellent performance.

d. On 26 January 2007, Petitioner signed an enlisted performance evaluation for the period 16 March 2006 to 9 February 2007 in which he was not recommended for advancement or retention. That evaluation assigned adverse marks in the category of military bearing, but satisfactory marks in all other categories. The evaluation also noted that he failed three PFA's within a four year period. His commanding officer stated in his recommendation for separation, in part, that Petitioner's devotion to duty and mission accomplishment had been a major factor in the command's many successes. His only setback was his PFA failures, although he was making progress toward correcting his deficiency. On 9 February 2007, he was honorably discharged from active duty and assigned an RE-4 reenlistment code.

e. The reenlistment code of RE-4 means that he is not recommended for reenlistment. However, he could have been assigned a reenlistment code of RE-3F, meaning that he failed the PFA on three or more occasions in a four year period.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

In this regard, the Board notes Petitioner's overall record of military service, including his promotion to second class petty officer, the lack of disciplinary action, the award of the Good Conduct Medal, and the fact that he was making some progress toward correcting his deficiency. The Board therefore concludes that no useful purpose is served by the assignment of the most restrictive reenlistment code of RE-4, and assignment of the RE-3F code more accurately reflects the quality of his service.

RECOMMENDATION:


a. That Petitioner's naval record be corrected to show that on 9 February 2007 Petitioner was issued a RE-3F reenlistment code vice the RE-4 reenlistment code actually issued on that date.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.


c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 17 July 2008.

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