



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

SMS  
Docket No: 7923-08  
7 May 2009

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 an RE-1 reenlistment code vice the RE-4 that was assigned on 25 September 1999, when he was honorably released from active duty.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 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. On 26 September 1994, Petitioner enlisted in the Navy at age 18, served without incident as an aerographers mate, and attained the rank of petty officer second class. On 15 March 1997, he received a performance evaluation which stated that he was selected as the "1996 Senior Sailor of the Year", recommended for promotion, retention, and a commissioning program, and indicated that his individual trait average was 4.29. On 15 March 1998, he received another performance evaluation which rated him one out of five other

Sailors, and recommended him for promotion, retention, and a commissioning program, and indicated that his individual trait average was 4.43. On 25 September 1999, he was honorably released from active duty due to completion of required active service and assigned an RE-4 reenlistment code. At that time his awards included three Navy and Marine Corps Achievement Medals (NMCAM's), a Good Conduct Medal (GCM), an Armed Forces Expeditionary Medal, a National Defense Service Medal, a Navy Meritorious Unit Commendation, a Navy "E" Ribbon, and a Sea Service Deployment Ribbon. On 27 September 2002, he was honorably discharged from the Navy Reserve due to the expiration of obligated service and recommended for reenlistment.

c. In his application, Petitioner requests an RE-1 reenlistment code, and states the RE-4 was assigned in error and there is no reason why he would have been given such a code.

d. Regulations authorize assignment of an RE-4 reenlistment code to service members who are not recommended for retention or fail to meet retention criteria. Regulations also authorize assignment of an RE-1 reenlistment code to members who are recommended and eligible for retention.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, the Board believes that the RE-4 reenlistment code is erroneous since there is no evidence in the record to justify it. In this regard, the Board finds that he had no disciplinary actions, attained pay grade E-5, received exemplary performance evaluations, was awarded three NMCAM's and a GCM, and was consistently recommended for commissioning programs. Therefore, the Board concludes that Petitioner's record should be corrected to show that he was assigned an RE-1 reenlistment code on 25 September 1999.

#### RECOMMENDATION:

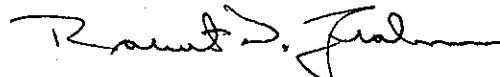
That Petitioner's naval record be corrected to show that he was assigned an RE-1 reenlistment code on 25 September 1999, vice the RE-4 actually assigned on that date.

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.

  
For W. DEAN PFEIFFER  
Executive Director