



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

SJN
Docket No: 11525-08
29 July 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
(b) OPNAVINST 1160.5C

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 and to change the narrative reason for separation.

2. The Board, consisting of Ms. [REDACTED], Ms. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 July 2009 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 enclosure (1) 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. Based on the information currently contained in the record, it appears that the Petitioner enlisted under the 2x8 Navy Reserve program and began a period of active duty on 16 July 1992 at age 18. He served without incident and was honorably released from active duty on 25 June 1994 due to insufficient

retainability (economic reasons). At that time he was not recommended for retention, assigned an RE-4 reenlistment code, and transferred to a Navy Reserve unit until 25 June 2000.

d. On 30 June 1997, Petitioner began a period of reserve duty that lasted approximately three years, ending with an honorable discharge on 25 June 2000. At that time he was recommended for reenlistment.

e. With his application, Petitioner states that he is unaware of any reason that he would have been assigned an RE-4 reenlistment code, and was not aware of the ramifications associated with it.

CONCLUSION:

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

Specifically, Petitioner completed two years of active service without incident, completed his reserve obligation honorably without disciplinary action, and was recommended for retention at the time of his discharge. Accordingly, the interest of justice would be better served by changing his record to show the assignment of an RE-7 reenlistment code, meaning he completed the initial two year active duty obligation under the 2x8 Navy Reserve program, which more accurately reflects the quality of his service.

The Board further concludes that Petitioner's reason for discharge, insufficient retainability (economic reasons), was correctly used in his case.

In view of the above, the Board directs the following limited corrective actions:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 25 June 1994 Petitioner was issued a RE-7 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 no further relief be granted

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

26 November 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