



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

CRS
Docket No: 11660-08
30 March 2010

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

Subj: FORMER [REDACTED]; REVIEW OF
NAVAL RECORD

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

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting her naval record be corrected by removing the nonjudicial punishment of 19 October 2006 and by changing the reentry code she was assigned on 9 December 2006.

2. The Board, consisting of Ms. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 January 2010 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. Petitioner enlisted in the Navy Reserve on 9 February 2000. She was mobilized on 12 March 2006.

c. On 19 October 2006 Petitioner received nonjudicial punishment for assaulting or willfully disobeying a superior commissioned officer, making a false official statement, and soliciting another to commit a crime. The punishment consisted of a forfeiture of \$1600.00, reduction in rank, and restriction and extra duty for 45 days.

d. On 9 December 2006 she was honorably released from active duty and transferred to the Navy Reserve. She was assigned a reentry code of RE-4.

e. An individual released after serving 90 or more days of active duty for training can be assigned an RE-5, which indicates that the reenlistment eligibility will be determined.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial relief. The Board concludes that a reentry code of RE-5 should now be assigned since her record does not warrant the most stigmatizing code of RE-4. The Board concludes that the 19 October 2006 nonjudicial punishment is proper, and that Petitioner has not demonstrated that it would be in the interest of justice to remove it from her record.

RECOMMENDATION:

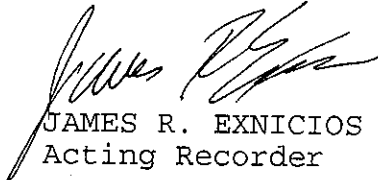
a. That Petitioner's naval record be corrected to show that on 9 December 2006, she was assigned a reentry code of RE-5.

b. That no further relief be granted.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

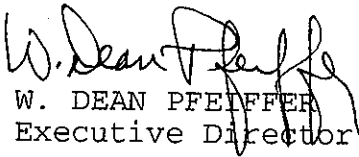
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. EXNICIOS
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.



W. DEAN PFEIFFER
Executive Director