



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

SJN
Docket No: 11022-10
28 October 2010

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[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 (not recommended for retention) reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 26 October 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 and began a period of active duty on 16 October 2005. He served without incident for four years, was advanced to paygrade E-3, and received a Good Conduct Medal. Based on information currently contained in his record, during the period from 16 July 2008 to 15 August 2009, he received two enlisted performance evaluations recommending him for retention and promotion with an overall trait average of 3.33. On 15 August 2009, he was honorably released from active duty and transferred to the Navy Reserve at the completion of his required obligated service. At that time, he was recommended for

promotion by his commanding officer (CO), but assigned an RE-4 reenlistment code.

c. Reference (b) sets forth the Department of the Navy's policy, standards, and procedures for separating enlisted service members at the expiration of their obligated service. Professional growth criteria must be met before an individual may reenlist. The instruction states, in part, as follows:

To satisfy professional growth criteria for the first reenlistment... the member must be: (1) serving as a petty officer or, (2) serving in paygrade E-3 having passed an examination for advancement to paygrade E-4 and be currently recommended for advancement, or (3) have formerly been a petty officer in current enlistment and be currently recommended for advancement to paygrade E-4. Failure to meet the professional growth criteria may result in denial of further extensions or reenlistment...

An individual separated in paygrade E-3 who fails to meet the above criteria may receive a RE-3R reenlistment code if he/she is recommended for advancement to paygrade E-4 at the time of separation. If not, the individual must be assigned a RE-4 reenlistment code.

d. A review of available records does not indicate if Petitioner had taken and/or passed an advancement exam. However, he was recommended for promotion on his separation evaluation.

e. With his application, Petitioner contends that he was honorably separated, had no misconduct, was not a below average sailor, and received a Good Conduct Medal. Further, he states that at that time, his rating was overmanned and decided to get out and join the Marine Corps. He could have been assigned a code of RE-3R, meaning that he failed to meet professional growth criteria.

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 four years of active duty with no disciplinary action, above average performance marks, and a Good Conduct Medal. Further, he was recommended for promotion at the time of his separation. The Board therefore concludes that no useful purpose is served by assignment of the most restrictive reenlistment code of RE-4, and assignment of the RE-3R code more accurately reflects the quality of his service.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 August 2009, he was issued an RE-3R 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 6 October 2010.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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