



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

SRB

Docket No. 03838-03

28 October 2003

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
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting, in effect, that his naval record be corrected to show a more favorable reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 28 October 2003, 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. Although it appears that Petitioner's application to the Board 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. Petitioner enlisted in the Navy on 2 September 1981 for four years at age 18. During the next 29 months, Petitioner served well, earning good evaluations and advancing in rate to petty officer third class (MS3; E-4).

d. On 25 January 1984, in connection with his transfer to USS FORRESTAL (CV-59), Petitioner signed a service record entry in which he promised to reenlist or extend his enlistment for a period of which would enable him to serve a 24 month tour of duty aboard FORRESTAL. At that time, Petitioner was told that failure to do so would result in the assignment of an RE-4 reenlistment code. Petitioner then reported aboard FORRESTAL training detachment on 18 February 1984.

e. Petitioner served well aboard FORRESTAL, earning excellent evaluations and receiving a good conduct medal. However, he did not reenlist or extend his enlistment. Accordingly, when he was honorably released from active duty on 30 August 1985, Petitioner was assigned an RE-4 reenlistment code due to his refusal to incur the required obligated service. When Petitioner was honorably discharged at the end of his military obligation in September 1987, he was not recommended for reenlistment.

f. In his application to the Board, Petitioner states that when he transferred to FORRESTAL, he was told that he might have to extend his enlistment. According to him, he was informed of the extension requirement just two days prior to his release from active duty. Petitioner also states that the meaning of an RE-4 reenlistment was not explained to him. He further states that he has been a police officer for 11 years in Philadelphia, PA. He needs the reenlistment code changed in order to join the Coast Guard Reserve.

g. The record contains a 1992 inquiry from the Philadelphia Police Department, submitted in connection with Petitioner's application for employment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. Petitioner served without disciplinary problems and performed his duties in an excellent manner for four years, attaining the rate of MS3 and earning a good conduct medal. The Board also notes his apparent good service as a law enforcement officer and his desire to serve in the reserve component.

Therefore, the Board believes that in retrospect, although the RE-4 reenlistment code was properly assigned, it is now unduly restrictive and should be changed as a matter of clemency. Additionally, an RE-1 reenlistment code more accurately reflects his potential to perform further useful military service,

Accordingly, the Board concludes that Petitioner's reenlistment code should be changed to RE-1 and he should be recommended for reenlistment.

RECOMMENDATION:

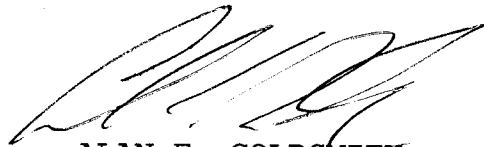
a. That Petitioner's naval record be corrected to show that he was issued an RE-1 reenlistment code on 30 August 1985, vice the RE-4 reenlistment code actually issued on that date.

b. That the record be further corrected to show that on 1 September 1987, Petitioner was recommended for reenlistment.

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

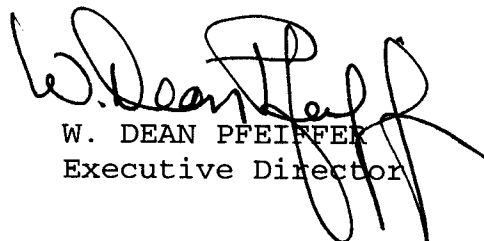
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
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