



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

JRE
Docket No: 5648-03
28 October 2003

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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

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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was assigned a reentry code of RE-3, in place of the code of RE-4 he received on 18 March 1994.

2. The Board, consisting of Messrs. [REDACTED], [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 September 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 enclosure (1) was not filed in a timely manner, the Board determined that it would be in the interest of justice to waive the statute of limitations, and consider the application on the merits.

c. Petitioner served on active duty in the Navy from 22 February to 18 March 1994, when he was discharged by reason of his failure to meet medical/physical standards for enlistment because of knee pain with activity. He was assigned a reentry code of RE-4.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that as Petitioner did not commit any acts of misconduct during his brief period of service, and as he apparently performed his duties to the best of his ability, apart from the effects of his knee pain, a reentry code of RE-4 is unduly stigmatizing. Accordingly, it Board finds the existence of an injustice warranting the following corrective action.


RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned a reentry code of RE-3E in place of the code of RE-4 he actually received on 18 March 1994.


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

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


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