



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2506-99

14 October 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Pfeiffer, Mr. Milner and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 5 October 1999 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. Enclosure (1) was filed in a timely manner.

c. The Board found that Petitioner reenlisted in the Navy on 7 May 1991. The four performance evaluations for the period beginning on 1 December 1993 and ending on 6 May 1997 show that he served in a generally excellent manner, but three out of four of the evaluations show that he was not within Navy body fat standards. The evaluation for the period ending 30 November 1994 states that he completed an in patient Level III program for obesity in October 1994. Subsequently, he was denied reenlistment because of his failure to meet the weight standards. On 6 May 1997 he was honorably discharged at the expiration of his enlistment. At that time, he was assigned an RE-4 reenlistment code.

d. Regulations allow for the assignment of an RE-3T reenlistment code when the only disqualifying factor is an inability to meet weight standards.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since it is clear that the only reason he was denied reenlistment was his inability to meet the weight standards, the Board concludes that the assignment of the less restrictive RE-3T reenlistment code is more appropriate. This code will alert recruiters that he must meet weight standards before reenlistment can be authorized.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 6 May 1997 he was assigned an RE-3T reenlistment code vice the RE-4 reenlistment code now of record.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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.

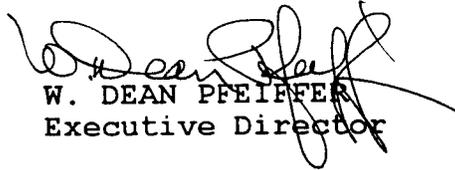
ROBERT D. ZSALMAN
Recorder



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