



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2819-99

3 September 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 her reenlistment code be changed.

2. The Board, consisting of Mr. Mazza, Mr. Pfeiffer and Mr. Taylor, reviewed Petitioner's allegations of error and injustice on 31 August 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. Although it appears that enclosure (1) 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 14 December 1992 at age 18. The record shows that she successfully completed all aspects of recruit training, except that she refused to jump into the water and qualify as a fourth class swimmer. The record clearly shows that she was counseled on numerous occasions that if she did not jump she would be separated. On 5 April 1993 she was notified of separation processing by reason of non-adaptability to military life. At that time she stated "I do not object to this separation." On 6 April 1993 the separation authority directed an entry level separation. She was so separated on 14 April 1993. At that time, she was not recommended for reenlistment and was assigned an RE-4

reenlistment code.

d. Regulations require the assignment of an RE-4 reenlistment code when an individual is separated with a narrative reason for separation of "Entry Level Performance/Conduct". However, regulations allow for the assignment of an RE-3X reenlistment code when an individual is separated as a non-swimmer.

e. Petitioner states in her application that she has learned to swim and desires to serve in the military.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that although Petitioner's narrative reason for separation is entry level performance/conduct, the underlying reason for her separation was that she would not qualify as a fourth class swimmer. Given the circumstances, the Board concludes that the reenlistment code should now be changed to RE-3X as an exception to policy.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the assignment of the RE-3X reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 14 April 1993 she was assigned an RE-3X reenlistment code vice the RE-4 reenlistment code now of record.

b. That 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