



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

TRG  
Docket No: 89-98  
22 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 the reason for his separation and reenlistment code be changed.

2. The Board, consisting of Mr. Swarens, Mr. Dunn and Mr. Flood, reviewed Petitioner's allegations of error and injustice on 13 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. Petitioner enlisted in the Navy on 21 August 1997 at age 25. Subsequently, he was found not physically qualified because of cardiac arrhythmia. On 11 September 1997 he was notified of separation processing due to erroneous enlistment. In connection with this processing, he elected to waive his procedural rights. On 12 September 1997 the separation authority directed an entry level separation by reason of erroneous enlistment. He was so separated on 17 September 1997. At that time he was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner states that he desires a change in the reason

for his separation, separation code and reenlistment code because they suggest some wrongdoing on his part.

e. The Board is aware that regulations allow for separation due to erroneous enlistment when there is a factor which had it been known, would have prevented enlistment. This reason for separation is not considered to be derogatory.

f. The Board is also aware that regulations allow for the assignment of various reenlistment codes such as RE-1, RE-3E or an RE-4 reenlistment code when an individual is separated due to an erroneous enlistment.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial favorable action. Concerning the reason for separation, the Board notes that he would not have been enlisted if the arrhythmia had been detected prior to enlistment. Therefore, his enlistment was in error. The Board concludes that he was properly separated due to erroneous enlistment and a change in the reason for separation was not warranted.

Concerning the reenlistment code, the Board notes that there is no evidence of any conduct or performance problems while in recruit training which would support the assignment of the more stigmatizing RE-4 reenlistment code. However, Petitioner's physical condition makes the assignment of an RE-1 reenlistment inappropriate. Therefore, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and it should now be changed to RE-3E. This code will alert recruiters that there is a problem which must be resolved before enlistment can be authorized.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 17 September 1997 he was issued an RE-3E reenlistment code vice the RE-4 reenlistment code now of record.

b. That his request for a change in the reason for his separation be denied.

c. 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

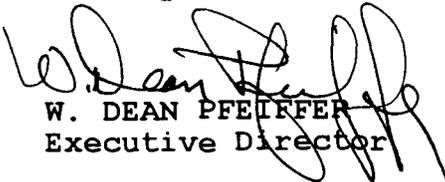
complete record of the Board's proceedings in the above entitled matter.

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