



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

JRE  
Docket No: 2085-99  
25 October 1999

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 reenlistment code which is more favorable than RE-4.

2. The Board, consisting of Messrs. Pfeiffer, Kastner and Leeman, reviewed Petitioner's allegations of error and injustice on 23 September 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 served on active duty from 11 January to 9 March 1995, when he was discharged by reason of failure to meet medical/physical procurement standards. He was assigned a reenlistment code of RE-4.

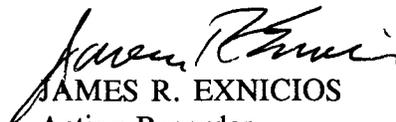
**CONCLUSION:**

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner should have been assigned a more favorable reenlistment code. In this regard, it notes that a Sailor discharged for failing to meet medical procurement standards may be assigned a reenlistment code of RE-3E, ineligible for reenlistment without waiver of disqualification, or RE-4, not recommended for reenlistment, and ineligible for reenlistment without prior approval of the Chief of Naval Personnel. The Board concludes that the RE-4 was inappropriate in this case, given the absence of adverse information in Petitioner's record. Accordingly, it finds the existence of an injustice warranting the following corrective action.

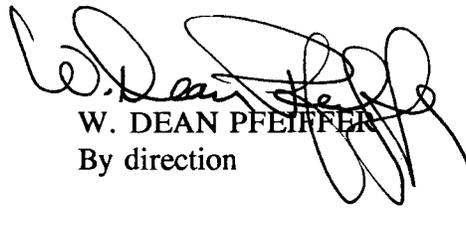
**RECOMMENDATION:**

- a. That Petitioner's naval record be corrected to show that he was assigned a reenlistment code of RE-3E, vice the RE-4 code he actually received.
  - 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  
By direction