



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

TRG
Docket No: 86-99
2 November 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. Brezna, Mr. Pfeiffer and Ms. Davies, reviewed Petitioner's allegations of error and injustice on 26 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. 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 2 July 1990 at age 20. The record shows that he voluntarily disenrolled from Basic Underwater Demolition/SEAL (BUDS) on 1 October 1991. During the next four years he served on board the USS LASALLE (AF 3) and with Special Boat Unit 20. During this period he received no evaluations below 3.8. On 9 January 1995 he was transferred to BUDS for another attempt to complete that program. He was released from active duty on 30 June 1995 with his service characterized as honorable. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code. Subsequently, he was issued an honorable discharge at the end of his military obligation. There is no final performance

evaluation in the record or any other documentation to support the assignment of the RE-4 reenlistment code.

d. Petitioner states in his application, in effect, that he completed the first phase of BUDS training and apparently incurred an additional period of obligated service. Subsequently, he was dropped from the second phase but was held over until he could join the second phase with the following class. He states that he did not desire to extend his enlistment because he could not be guaranteed completion of BUDS. Therefore, he elected to be separated at the expiration of his enlistment. Petitioner desires the change in the reenlistment code so that he can serve in the Army reserves

e. The Board notes that Petitioner transferred to BUDS on 9 January 1995 with less than seven months remaining on his enlistment. The Board assumed that in order to accept his orders, he had to agree to extend his enlistment if required to do so. In such cases, the orders usually state that an RE-4 reenlistment code will be assigned if an extension is not executed.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the absence of any documentation to support the assignment of the RE-4 reenlistment code, but believes that the reenlistment code was correctly assigned on 30 June 1995. However, the Board also notes Petitioner's outstanding record, unique qualifications, and desire to serve in the Army Reserve. Given the circumstances, the Board concludes that no useful purpose is served by the RE-4 reenlistment code and it should now be changed to RE-1.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record to explain why the reenlistment code was changed if documentation showing an RE-4 reenlistment code is filed in the future.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 30 June 1995 he was assigned an RE-1 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

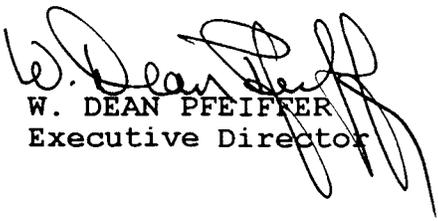
review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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