



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 1604-99

30 August 1999

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 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, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Mr. Kastner, Mr. Flood, and Ms. Brown, reviewed Petitioner's allegations of error and injustice on 25 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 29 December 1992 for four years as an SN (E-3). At that time, he also extended his enlistment for an additional period of 24 months in exchange for training in the Nuclear Field Program. He completed Class "A" Electrician's Mate School on 16 September 1993 and was advanced to EM3 (E-4).

d. Petitioner served without incident until 14 November 1996 when he received nonjudicial punishment (NJP) for failure to obey a lawful order. Punishment imposed consisted of forfeitures of \$150 per month for two months and 15 days of restriction and extra duty. All punishment was suspended for a period of six months.

e. On 16 May 1997, Petitioner suffered a tibia/fibula fracture while roller skating and underwent an intermedullary tibia nailing. On 18 July 1997, he was placed on six months of limited duty. On 10 April 1998, a medical board recommended he be returned to limited duty for another six months, to expire on 26 December 1998. The medical board placed limitations of no physical training; running; heavy lifting; or prolonged walking, crawling or standing during the period of limited duty.

f. On 16 December 1998, Petitioner submitted a special request to reenlist. However, his request was denied due to three physical readiness test (PRT) failures. When Petitioner achieved his third PRT failure is not shown in the record. Incident to his release from active duty, he received an enlisted performance evaluation for the period 16 June to 28 December 1998. An adverse mark of 1.0 was assigned in the category of military bearing due to not being in compliance with physical readiness standards and third PRT failure. The Report of Medical Examination completed at the time of separation indicates that he was 72 inches tall and weighed 250 pounds.

g. On 28 December 1998, at the expiration of his enlistment, as extended, Petitioner was honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. He was also assigned a separation code of "LBK" which means he was involuntarily separated.

i. Regulations authorize the assignment of an RE-3T to an individual who is denied reenlistment and released from active duty at the expiration of their enlistment. An RE-3T reenlistment code means the individual failed to meet established weight standards. An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval from Commander, Naval Personnel Command.

j. Petitioner states that his PRT failures were due to not meeting body fat standards.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes that except for a minor disciplinary infraction, Petitioner maintained an overall excellent record during his six years of service. It appeared to the Board his failure to meet fat standards was due in part to the physical restrictions imposed during the two periods of limited duty prior to his separation. The Board believes that he was not recommended for reenlistment at the time of discharge solely because of his weight problem. The Board does not believe that this factor or his NJP warranted the assignment of the most restrictive RE-4 reenlistment code. The Board concludes that it would be appropriate and just to change the reenlistment code to RE-3T.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 28 December 1998, to RE-3T. This should include the issuance of a new DD Form 214.

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 a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references 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