



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

TRG
Docket No: 480-01
25 October 2001

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 record be corrected to show a better reenlistment code than the RE-4 code assigned on 16 August 1996.

2. The Board, consisting of Mr. Pauling, Mr. Taylor and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 23 October 2001 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 Petitioner's application 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 20 April 1992 at age 24. There is nothing in the record concerning the quality of his service or the circumstances leading to this discharge. The record shows that he was honorably discharged on 16 August 1996 by reason of parenthood. At that time, he was assigned an RE-4 reenlistment code.

d. In support of his request, Petitioner has submitted a copy of a commendation which states that he was selected as the junior sailor of the quarter for his excellent performance during the period April to June 1994. He has also submitted a copy of the performance evaluation for the period 23 November 1995 to 15 June 1996. The evaluation shows an individual trait average of 4.0, the promotion recommendation was "must promote" and he was recommended for retention in the Navy. The comments state that he is an excellent sonar technician who seeks responsibility and takes charge. As indicated, he was discharged two months after the ending date of the evaluation.

e. Regulations require the assignment of an RE-3B or an RE-4 reenlistment code when an individual is discharged due to parenthood. An RE-3B reenlistment code means that the individual is recommended for reenlistment except for the disqualifying factor of parenthood.

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 in the record to support the assignment of the RE-4 reenlistment code. The Board further notes that documentation submitted by Petitioner certainly shows excellent performance of duty. Since the performance evaluation ends within 90 days of his discharge, the Board believes that it should be controlling on the issue of the reenlistment code. Therefore, the Board concludes that he should now be assigned an RE-3B reenlistment code, the least restrictive code authorized for his reason for discharge.

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 change in the reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 16 August 1996 he was assigned an RE-3B reenlistment code vice the RE-4 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

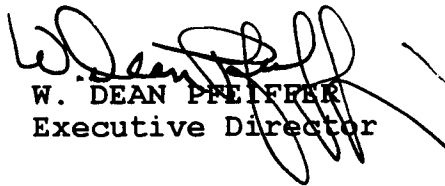
complete record of the Board's proceedings in the above entitled matter.



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