



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

TRG
Docket No: 4352-01
16 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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed an application with this Board requesting that her record be corrected to show a better reenlistment code than the RE-4 reenlistment code assigned on 15 May 1995.

2. The Board, consisting of Mr. Adams, Mr. Pfeiffer and Mr. Morgan, reviewed Petitioner's allegations of error and injustice on 10 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 11 April 1994 at age 20. She successfully completed initial training and reported to her first duty station. In the performance evaluation for the period 23 September 1994 to 31 January 1995 she was assigned a mark of 3.8 in rate knowledge and marks of 4.0 in every other category.

d. On 25 April 1995, Petitioner requested a hardship discharge stating, in part, as follows:

... On 30 March 1995, my apartment was broken into and I was sexually, physically, and verbally assaulted. The assailants threatened they would kill me, and specifically stated "if you call the police, we will come back and kill you."

Description of Hardship: I am unable to go anywhere I this area alone and constantly feel in danger for my life. I can't sleep at night and am unable to concentrate at work. I don't think I will ever be able to perform to Navy standards. The thought of standing an overnight duty is frightening. I have considered the option of a possible transfer, but I need the support, comfort and closeness of my family.

e. On 27 April 1995 the commanding officer directed that Petitioner receive an honorable discharge. He stated that "extraordinary circumstances exist to support her request for discharge on the basis of hardship. No other provisions apply." She was honorably discharged by reason of hardship on 15 May 1995. At that time, she was serving in pay grade E-2 and was assigned an RE-4 reenlistment code.

f. Petitioner states that since discharge, she has received counseling that helped her come to terms with what happened and was able to return to a productive lifestyle. She is pursuing a degree in nursing and would like the opportunity to be commissioned in the Navy.

g. Regulations allow for the assignment of an RE-4 or an RE-3H reenlistment code when an individual is discharged because of a hardship. The regulations also require the assignment of an RE-4 reenlistment code when an individual is discharged in pay grade E-2 after an extended period of active duty. The Board notes that 18 months of service is normally required before an individual can be advanced to pay grade E-3, and Petitioner only served 13 months and 5 days of active service.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that she did not serve long enough to be eligible for advancement to E-3 and therefore, the fact that she was discharged as an E-2 should not be held against her. Given her excellent record and the circumstances which led to her discharge, the Board concludes that the reenlistment code should now be changed to the less restrictive RE-3H.

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 reasons 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 15 May 1995, she was assigned an RE-3H 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