



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

SMW
Docket No: 640-07
19 July 2007

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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting an upgrade of his discharge and a change in his reenlistment code.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 July 2007, 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 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 17 June 2002 at age 17 with parental consent. At the time of enlistment, Petitioner had completed 12 years of education.

d. Petitioner then served without incident. Based on the information currently contained in the record, it appears that he requested discharge by reason of convenience of the government due to hardship, and the separation authority approved his request.

e. The only performance evaluation in the record covers the period from 1 October 2002 to 15 July 2003, the date of his discharge from the Navy. This evaluation recommended him for promotion and retention, and assigned an individual trait average (ITA) of 3.33.

f. On 22 July 2003 Petitioner was separated with a general discharge by reason of convenience of the government due to hardship. At that time, he was assigned an RE-4 reenlistment code.

g. In his application, Petitioner states that he received a hardship discharge in order to provide care for his father who had Alzheimer's disease. He further states that even though his father is now being cared for by another family member, the RE-4 reenlistment code is preventing him from reenlisting in the armed forces, and he would like to earn a fully honorable discharge.

h. Characterization of service is determined, in part, by the average of all ITA's. An ITA average of 2.5 is required for a fully honorable characterization of service. Petitioner's ITA average is 3.3.

i. In addition, regulations in effect at the time Petitioner was discharged authorized the assignment of an RE-4 reenlistment code to Sailors that were discharged due to hardship. However, regulations also authorized the assignment of an RE-3H reenlistment code to Sailors discharged for that reason, who were eligible for reenlistment except for the disqualifying factor of hardship.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, Petitioner's performance evaluation that covered his last nine months of his total 13 months of service was favorable, and even recommended him for promotion and retention. In addition, the Board found no evidence of disciplinary actions, and his final ITA average warranted a fully honorable discharge. Therefore, the Board concludes that Petitioner's characterization of service should be changed to honorable and his reenlistment code should be changed to RE-3H.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 22 July 2003, vice the general discharge actually issued on that date.

b. That Petitioner's naval record be further corrected to show that he was assigned an RE-3H reenlistment code on 22 July 2003.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

d. That upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 19 January 2007.

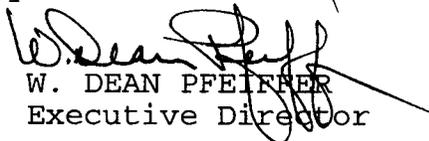
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 Regulation, 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