



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

SJN
Docket No: 05964-07
15 April 2008

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change in her RE-4 reenlistment code.
2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 April 2008 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 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 23 January 1996. Petitioner has two dependent boys and was eight months into her enlistment when she was notified by emergency Red Cross message that her sister, who had custody of her two children, received a promotion at work, and since the new position would require

longer hours, she could no longer care for her boys. As a result, Petitioner's sister left the children in the care of their elderly mother who is a diabetic and confined to a wheelchair.

d. On 29 October 1996, Petitioner submitted a request for a hardship discharge due to her not being able to mobilize and properly care for her dependent children. The discharge authority directed an honorable discharge by reason of convenience of the government due to hardship and assigned a reenlistment code of RE-4. Petitioner was discharged on 8 November 1996.

e. In her application, Petitioner contends that her children are of age and now wants to reenter the Navy. The reenlistment code of RE-4 means that Petitioner is not recommended for reenlistment. However, she could have been assigned a code of RE-3H, meaning that she was discharged due to hardship.

CONCLUSION:

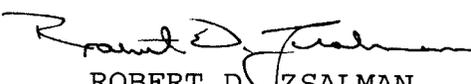
Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board therefore concludes that no useful purpose is served by assignment of the most restrictive reenlistment code of RE-4, and assignment of the RE-3H code more accurately reflects the quality of her service.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 8 November 1996 she was issued an RE-3H reenlistment code vice the RE-4 reenlistment code actually issued on that date.

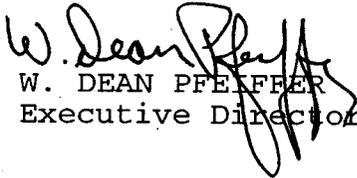
b. That a copy of this report of proceedings be filed in Petitioner's naval record.

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

BRIAN J. GEORGE
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