



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

TRG
Docket No: 59-08
29 August 2008

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 member of the Navy, filed an application with this Board requesting that his RE-4 reenlistment code be changed.
2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 July 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. Petitioner's application was submitted in a timely manner.
 - c. Petitioner was married on 12 June 2006. On 30 August 2006 he enlisted in the Navy. His son was born on 21 January 2007. On 29 March 2007 he indicated that he could not comply with the provisions of the Family Care Plan Certificate because he had no one to care for his son. A Record of Emergency Data dated 30 May 2007 indicates that his wife's address was unknown.
 - d. Since he could not comply with the provisions of the Family Care Plan Certificate he was processed for an administrative separation. After review, the separation authority directed an honorable discharge by reason of parenthood and he was so discharged on 21 July 2007. At that time, he was

assigned an RE-4 reenlistment code.

e. Petitioner states in his application, in effect, that his wife abandoned their marriage and he had no one to care for his infant child.

f. Regulations allow for the assignment of an RE-3G or an RE-4 reenlistment code when an individual is separated by reason of parenthood.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. It is clear from the record that Petitioner had no choice but to request separation because he had no one to care for his son. Since the situation was beyond his control, the Board believes that, in retrospect, an RE-3G reenlistment code would have been more appropriate. Therefore, his record should be corrected to show that on 21 July 2007 he was assigned an RE-3G reenlistment code vice the RE-4 reenlistment code now of record.

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.

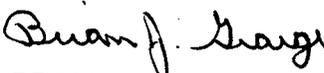
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 21 July 2007 he was assigned an RE-3G reenlistment code.

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


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 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.

A handwritten signature in cursive script, appearing to read "W. Dean Pfeiffer".

For W. DEAN PFEIFFER
Executive Director