



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

BAN
Docket No: 06682-08
19 May 2009

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) 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 United States Navy, filed enclosure (1) with this Board requesting, in effect, that her RE-4 reenlistment code and reason for separation be changed.

2. The Board, consisting of Messers. [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 March 2009 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 enlisted in the Navy on 3 November 1999 and served without disciplinary incident. She became pregnant, was having some personal problems that involved the father of the child, and had negative allegations that were later unsubstantiated regarding the pregnancy. Due to her stressful pregnancy, she developed some performance issues regarding lack of motivation, handling stress, and loss of focus. However, in her detaching evaluation, it was noted that she demonstrated very strong technical skills and solid performance in her job.

c. On 2 November 2004, Petitioner was separated at the end of her obligated service with an honorable discharge, but received an RE-4 reenlistment code due to her personal problems and a separation code of JGH, which is for non-retention on active duty. An individual separated under this reenlistment code is not recommended for reenlistment.

d. Pursuant to the Military Personnel Manual (MILPERSMAN) 1910-124, a reentry code should be RE-3B for convenience of the government due to parenthood unless an RE-4 code is warranted by the service record. In Petitioner's case, her RE-4 reenlistment code was not warranted based on her overall evaluations and her separation code should have been JDG for parenthood.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action.

Although Petitioner did receive counseling for her personal problems, the Board believes that it was due to her pregnancy and the problems associated with it. The Board further believes that her personal problems all surrounded her difficult pregnancy issues and stress related conduct. The Board also notes that she was an outstanding Sailor based on her final evaluation. Therefore, the Board concludes that an RE-3B reenlistment code, which is authorized by regulatory guidance for individuals who are separated by reason of convenience of the government due to parenthood, is more appropriate than the RE-4 reenlistment code now of record.

RECOMMENDATION:

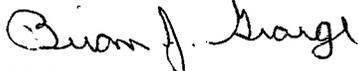
a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 2 November 2004, to RE-3B.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of her 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