



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

TRG
Docket No: 11054-08
18 June 2009

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 June 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 27 June 1998 at age 19. On 21 August 2000 you indicated that you could not comply with the provisions of the Family Care Plan Certificate. Subsequently, you requested separation from the Navy because you had no one to care for your child. On 26 September 2000 you were notified of separation processing. After review, the separation authority directed a discharge due to parenthood. You were honorably discharged on 15 March 2001. At that time, you were assigned an RE-3B reenlistment code.

You were granted a waiver to reenlist and on 31 January 2006 you enlisted in the Navy Reserve for three years. About six weeks later, the command directed that you submit a Family Care Plan Certificate within 30 days. The record shows that you did not comply with this requirement. Therefore, you were notified of separation processing by registered mail. However, you failed to respond. On 4 August 2006, the Commanding Officer of the Naval Operation Support Center recommended discharge noting that you had not responded to official correspondence and that you had a history of inability to be deployable and were not a mobilization asset. After review, the separation authority directed an honorable discharge due to parenthood or custody of minor children and the assignment of an RE-4 reenlistment code. You are

were so discharged on 13 September 2006.

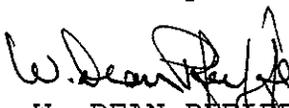
You state in your application that you have remarried and have someone reliable to care for your children. You desire to serve but are being prevented from doing so because of the RE-4 reenlistment code.

Given your previous discharge for parenthood, it is clear that when a waiver was granted and you were allowed to reenlist in the Navy Reserve you were on notice that you had to have a valid Family Care Plan Certificate. Further, you did not respond to communications from your command attempting to resolve this issue. Given these factors, the Board concluded that you were properly discharged and that the circumstances of your case supported the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director