



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

BAN
Docket No: 01493-08
7 October 2008

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 be changed.

2. The Board, consisting of Mr. [REDACTED], Ms. [REDACTED], and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 30 September 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 enlisted in the Navy on 5 December 1988 and served without disciplinary incident until 17 December 1990, when she received nonjudicial punishment for disrespect toward a chief petty officer. On 14 January 1991, she failed to comply with the family care plan that was required of all single parent households. On 6 February 1991, she was involuntarily separated from naval service with an honorable discharge and an RE-4 reenlistment code, for the convenience of the government due to parenthood. An individual separated under this reenlistment code

is not recommended for reenlistment.

c. 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.

d. Petitioner provided 12 letters of support for the active period she served.

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 NJP on 17 December 1990, she was separated by reason of convenience of the government due to parenthood. The Board believes that her 12 letters of recommendation for the time period in question supports her claim that she was an outstanding dental technician. 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 6 February 1991 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 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