



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

TJR  
Docket No: 10755-09  
29 July 2010

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

Subj: REVIEW 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 Navy, filed enclosure (1) with this Board requesting that her 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 27 July 2010 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Naval Reserve on 29 September 1999 at age 18 and served without disciplinary incident.

d. Petitioner's record contains an administrative remarks entry dated 16 December 2003 which states, in part, as follows:

(Counselling/warning): You are being retained....  
deficiencies in your performance are identified:  
Failure to comply with the OPNAVINST 1740.4A [Navy's  
Family Care (NFC) Policy Program] requirement to  
complete NAVPERS 1740/6 Family Care Plan Certificate.

e. Subsequently Petitioner signed a certificate which stated that she could not comply with the NFC policy program and provided supporting documentation, specifically, letters from her parents/child care providers stating that they could no longer care for or take custody of her child.

f. On 6 February 2004 Petitioner's commanding officer recommended an honorable discharge due to parenthood. The commanding officer stated in part, that if she were allowed retention on shore duty and not be deployed for her remaining 19 months, she could finish her contract at his command. Nevertheless, she was administratively processed for separation by reason of parenthood due to her inability to comply with the NFC program. On 23 February 2004 the discharge authority, Navy Personnel Command (NPC), directed a reenlistment code of RE-3B, or a RE-4, if warranted by the service record. However, on 5 March 2004, Petitioner was honorably discharged by reason of parenthood and assigned an RE-4 reenlistment code.

g. An RE-3B reenlistment code may be assigned to Sailors separated due to parenthood, pregnancy, and/or childbirth. This code may not bar enlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether an individual meets the standards for reenlistment, and whether or not a request for a waiver of a reenlistment code is feasible. A Sailor separated for this reason may also receive an RE-4 reenlistment code, which means that the Sailor is not recommended for reenlistment.

#### CONCLUSION:

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

The Board notes Petitioner's overall satisfactory record, to include the lack of any disciplinary infractions. Further, she was honorably discharged by reason of parenthood or custody of a minor child. Since an RE-3B reenlistment code is authorized by regulatory guidance for a Sailor who is separated for this reason, and was also directed by NPC in this case, the Board concludes that an RE-3B reenlistment code is more appropriate than the RE-4 reenlistment code now of record.

#### RECOMMENDATION:

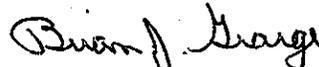
a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 5 March 2004, to RE-3B.

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 Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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