



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 03518-11
2 February 2012

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C

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 a change in her RE-4 (not recommended for retention) reentry code, which was assigned on 12 November 1998, to RE-1 (recommended for retention).

2. The Board, consisting of Messrs. Zsalman, Pfeiffer, and Exnicios, reviewed Petitioner's allegations of error and injustice on 31 January 2012 and, pursuant to its regulations, determined that the limited 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 15 September 1997. Although the administrative discharge documents are not in her official record, based on the information currently contained in her record, on 10 November 1998, she signed an Administrative Remarks (NAVPERS 1070/613) form stating that she was not recommended for reenlistment due to "Pregnancy or Childbirth" and acknowledged that she had been informed that she was not eligible for reenlistment and an entry to that effect had been made in her service record. Petitioner was honorably discharged on 12 November 1998. At that time she was assigned an RE-4 reentry code.

d. In her application, Petitioner states that 13 years have passed, she has since gotten married, has become more mature and responsible, and wishes to serve her country.

e. The reentry code of RE-4 means that Petitioner is not recommended for reenlistment. However, she could have been assigned a code of RE-3B, meaning that she was discharged due to pregnancy or childbirth.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action. The Board therefore concludes that no useful purpose was served by assignment of the most restrictive reentry code of RE-4, and assignment of the RE-3B reentry code more accurately reflects the quality of her service.

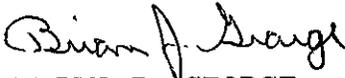
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 12 November 1998 she was issued an RE-3B reentry code vice the RE-4 reentry, now of record.

b. That a copy of this report of proceedings be filed in 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
Executive Director