



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

██████████
Docket No: 0256-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER AN ██████████ USN,
██████████

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures
(2) Case Summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting a change to her reentry code . Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████ and ██████████ reviewed Petitioner's allegations of error and injustice on 30 March 2022, and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, 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 Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the application on its merits.

c. Petitioner enlisted and began a period of active duty on 22 September 1998, earning her first award of the Good Conduct Medal on 20 September 2001 and reenlisting on 12 July 2002 after a period of continuous honorable service. At that time, Petitioner had two dependent children.

Subj: REVIEW OF NAVAL RECORD OF FORMER AN [REDACTED] USN,
[REDACTED]

d. During her second enlistment, Petitioner remarried to a dependent spouse. She subsequently deployed with [REDACTED]. In May of 2003, while Petitioner was deployed, her civilian spouse neglected the children and frequently had visitors at their base housing which resulted in military police responding to the residence. Petitioner's spouse eventually abandoned the marriage. He vacated military housing, emptied the money from her bank account, and left the children with Petitioner's aunt.

e. Although Petitioner's aunt was designated as her primary next of kin, she was medically not capable of continuing to care for Petitioner's children. When Petitioner's command directed that she complete a Family Care Plan on 8 July 2003, she acknowledged her inability to comply with the requirements and was issued administrative counseling advising her of retention and warning her that failure to take corrective action and maintain an adequate Family Care Plan could result in administrative separation.

f. The next day, Petitioner's commanding officer (CO) initiated processing for involuntary administrative separation for convenience of the government on the basis of parenthood. His letter acknowledged that Petitioner was a good sailor but had been overcome by events beyond her control. He explained that it was unacceptable that her children might be given up to the custody of the state while she remained deployed but, because the squadron was already critically manned, he needed her off the books and did not have time or resources to research billets for a humanitarian transfer. As a result, Petitioner's CO stated that his "only option" was to process her for administrative separation with a recommendation for retention.

g. On 14 July 2003, Navy Personnel Command sent a message approving Petitioner's separation for parenthood or custody of minor children with type warranted by service, directing that "If General (Under Honorable Conditions) is awarded, notify the member of the specific factors in the service record that warrant such characterization" such as nonjudicial punishment, final trait average, or civilian conduct. The message also specified that her reentry code should be RE-3B and that an RE-4 code was only appropriate if warranted by Petitioner's service record. However, Petitioner was discharged on 5 August 2003 with a General (Under Honorable Conditions) characterization of service and a reentry code of RE-4.

h. Petitioner contends that she deployed and did what she was told, without misconduct. She asserts that her reentry code of RE-4 is unjust and punishes her for things which were beyond her control. She also provided evidence that she had been selected for E-4 and was frocked, awaiting promotion, at the time of her discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner's request warrants favorable action in the form of relief. The Board reviewed her application under the guidance provided in reference (b).

The Board first determined that Petitioner's period of continuous honorable service from her first enlistment was never recorded in her discharge record. Additionally, the Board noted the absence of misconduct during Petitioner's second period of enlistment. The Board concurred

Subj: REVIEW OF NAVAL RECORD OF FORMER AN [REDACTED], USN,
[REDACTED]

with Petitioner's CO that unfortunate situation involving her then-spouse resulted in unanticipated childcare problems which were beyond her immediate control and did not reflect adversely upon Petitioner's honorable and faithful service. In reviewing the action taken in response to Petitioner's childcare and Family Care Plan, the Board observed that Petitioner's CO recommended retention rather than separation and admittedly processed her administrative separation out of operational necessity. The Board found the evidence in Petitioner's record sufficient to substantiate that her RE-4 code was issued in error. Further, the Board noted that Petitioner's service record lacks evidence of any specific factors, or of the notice directed by PERS, which might have supported a General (Under Honorable Conditions) characterization of service. In light of Petitioner's honorable service, the Board found that her character of discharge is clearly inequitable and likely erroneous. As a result, the Board determined that Petitioner's request merits the relief requested with respect to her reentry code as well as additional relief in the upgrade of her characterization to "Honorable," which moots additional correction for the omitted period of continuous honorable service from her first enlistment.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that her "Honorable" discharge was issued on 5 August 2003 with a reentry code of "RE-3B."

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in 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.

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.

4/7/2022

[REDACTED]
Executive Director
[REDACTED]