



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 3266-99

2 September 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 1 September 1999. 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.

The Board found that you enlisted in the Navy on 5 January 1993 at age 18. On 20 June 1994 you were honorably separated by reason of pregnancy or childbirth. At that time you were assigned a reenlistment code of RE-3B.

The Board noted that an RE-3B reenlistment code is the most favorable reenlistment code authorized by regulatory guidance for individuals discharged due to pregnancy or childbirth. It means that you may not reenlist in the Navy without obtaining a waiver from recruiting officials. The Board thus concluded that there is no error or injustice in your reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted your contention that your reenlistment code is preventing you from receiving benefits administered by the Department of Veterans Affairs (DVA). However, an individual's reenlistment code has no impact on eligibility for DVA benefits. In this regard, it appears that you do not have sufficient

service to qualify for benefits. However, you should contact your local DVA office for definitive guidance on eligibility for benefits.

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